

COUNTER-NARCOTICS OPERATIONS IN AFGHANISTAN:
A WAY TO SUCCESS OR A MEANINGLESS CAUSE?

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by

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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

ABSTRACT

COUNTER-NARCOTICS OPERATIONS IN AFGHANISTAN: A WAY TO SUCCESS OR A MEANINGLESS CAUSE?, by LCDR Jonathan R. Biehl, USN, 88 pages

Narcotics trade is a major funding source for the insurgency in Afghanistan. Afghan law enforcement (LE) units target traffickers, processing labs, and drug caches to minimize this supply chain. These LE units are mentored by US Drug Enforcement Administration teams and British military personnel. However, they are limited in assets which degrades their ability to conduct missions in more dangerous areas, specifically the southern provinces, which is home to the Taliban. Military enablers are needed to enhance the effectiveness of counter-narcotics (CN) missions.

The military has been asked to provide enablers such as helicopter lift, cordon security, and close air support. Traditionally, the military does not “do” law enforcement. However, CN intelligence has proven a nexus between drug traffickers and the insurgency. Should the military be involved? This study argues that the military needs to be more involved in CN missions in Afghanistan. Friction exists whenever the military is involved with traditional LE functions. However, these barriers to military involvement are policy issues. It is not against the law.

Although the narcotics link to the insurgency is known, there is resistance to military involvement. Proving the nexus takes time, and may result in missed opportunities to target traffickers and insurgents. This paper highlights the need to target the narcotics “industry” to defeat the insurgency. Proof of the nexus should not be required.

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ACRONYMS

ADM	Admiral
AOR	Area of Responsibility
ASNF	Afghan Special Narcotics Force
CAPT	Captain
CAS	Close Air Support
CC	Critical Capability
CD	Counter-drug (Synonymous with counter-narcotics (CN))
CGSC	US Army Command and General Staff College
CJCS	Chairman of the Joint Chiefs of Staff
CN	Counter-narcotics (Synonymous with counter-drug (CD))
CNPA	Counter-Narcotics Police of Afghanistan
CR	Critical Requirement
CT	Counter Terrorism
CV	Critical Vulnerability
COG	Center of Gravity
COIN	Counter insurgency
CONOP	Concept of Operations
DCOS	Deputy Chief of Staff
DGDP	Directorate of Graduate Degree Programs
DOA	Department of the Army
DOD	Department of Defense
DODD	Department of Defense Directive
ELN	National Liberation Army

FARC	Revolutionary Armed Forces of Colombia
FAST	Foreign-deployed Advisor Support Team
FBI	Federal Bureau of Investigation
FM	Field Manual
GCC	Geographical Combatant Commander
GDP	Graduate Degree Programs
GEN	General
GIRoA	Government of the Islamic Republic of Afghanistan
HQ ISAF	Headquarters-International Security Assistance Force
HVI	High Value Individual
IOCC	Interagency Operations Coordination Center
JP	Joint-service Publication
JTF	Joint Task Force
LCDR	Lieutenant Commander
LE	Law Enforcement
LEA	Law Enforcement Agency
LEGAD	Legal Advisor
LOAC	Law of Armed Conflict
MG	Major General
MEDEVAC	Medical Evacuation
MoI	Ministry of Interior
NIU	National Interdiction Unit
NPR	National Public Radio
NVG	Night Vision Goggles
QDR	Quadrennial Defense Review

TIC	Troops in Contact
UJTL	Universal Joint Task List
UK	United Kingdom
US	United States
USC	United States Code
USCENTCOM	United States Central Command
USSOUTHCOM	United States Southern Command
VTC	Video Teleconference

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CHAPTER 1

INTRODUCTION

This war requires the United States military to adopt unconventional and indirect approaches.

—Secretary of Defense Donald Rumsfeld,
2006 QDR

Background

Should the military be involved in counter-narcotics (CN) missions in Afghanistan? Narcotics trade is a major funding source for the insurgency in Afghanistan. Afghanistan produces 92 percent of the world's opium, according to the UN, which also estimates the country's illicit drug trade now is generating more than \$100 million annually for the Taliban and other insurgent groups (Wood 2009, 51). When Donald Rumsfeld was the defense secretary, the Pentagon fiercely resisted efforts to draw the United States (US) military into supporting CN efforts. Top military commanders feared that trying to prevent drug trafficking would only antagonize corrupt regional warlords whose support they needed, and might turn more of the populace against American troops (Risen 2009, 5). This study argues that the military needs to be more involved in CN missions in Afghanistan. Friction exists whenever the military is involved with traditional law enforcement (LE) functions. However, these barriers to military involvement are policy issues. It is not against the law.

The past four years have proven that a heavy presence and linkage between insurgents and narcotics powerbrokers exists, specifically within Helmand Province. Despite the highest international troop presence of anywhere in Afghanistan, the drug trade originating in Helmand is still a leading source of revenue for the insurgency. With

the focus and resources to interdiction missions. Interdiction targets narcotics in the consolidation and transportation phases by raiding drug processing laboratories and interdicting narcotics convoys (Erwin 2009, 6). This more effectively targets insurgents and drug lords without directly affecting farmers' livelihood. The Afghan poppy production from in 2008 is shown in figure 2. It can be seen that the majority of the poppy comes from the southern and eastern provinces, specifically Helmand Province.

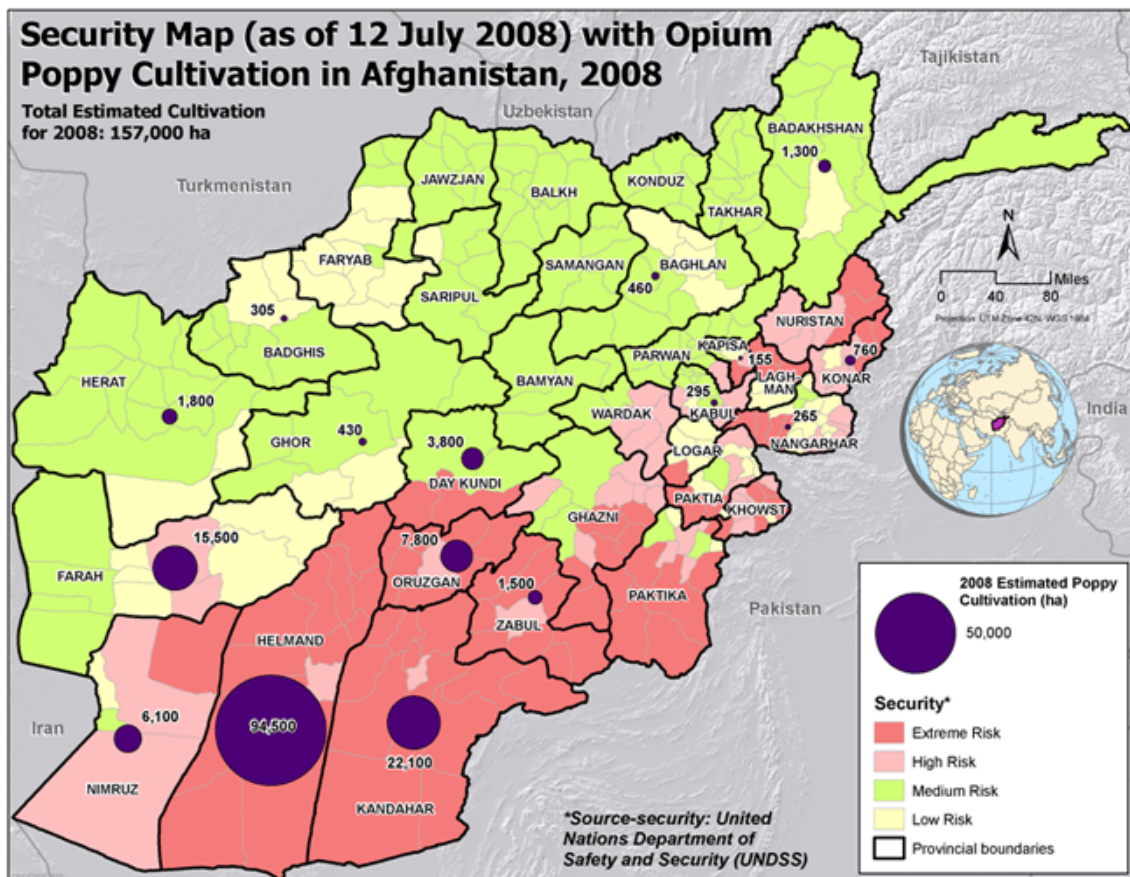


Figure 2. Afghanistan Poppy Cultivation

Source: Embassy of Afghanistan, "U.S. Report Finds Declines in Opium in Afghanistan," 12 July 2008, http://www.whitehousedrugpolicy.gov/images/pr_102408_map_lg.gif (accessed 14 October 2009).

Two Afghan LE units are currently conducting CN interdiction missions. During these LE missions, suspects are arrested and detained for judicial prosecution. The goal is to minimize the narcotics trade and drug processing to reduce crime and weaken the insurgency's supply chain. One of the Afghan LE units is called the National Interdiction Unit (NIU). US Drug Enforcement Administration (DEA) agents mentor the NIU. These DEA agents form a unit called a Foreign-deployed Advisory Support Team (FAST).

The other Afghan unit is called the Afghan Special Narcotics Force (ASNF). The ASNF is mentored by United Kingdom (UK) military personnel. Both the NIU and ASNF teams are limited in personnel and assets, which reduce their operational capacity to effectively reduce narcotics trade and its contribution to the insurgency. For example, the NIU and ASNF are incapable of performing their missions in areas with high numbers of insurgents, for it compromises their ability to operate safely. Also, caches often have large amounts of drugs. The LE units gather evidence they need from it and destroy the rest with explosives they carry with them. Because of the large amount of drugs, they often do not have enough explosives to destroy it all. Limited numbers of personnel are able to participate in missions because there are too few helicopters available. They are also constrained to daylight missions because the aircrews lack night vision goggles (NVG) capabilities.

The purpose of the study is to determine if the military should be involved in CN interdiction missions in Afghanistan, and to what degree, considering legal and policy restrictions. Military lift and security support have been provided by special operations forces (SOF) to target high value individuals (HVI) where the nexus can be established. When a nexus can be established, there is no restriction to military support because it is

considered a military mission rather than a LE mission. This fact may cause one to question why the research for this paper should be done, as there would appear to be no problem. All you have to do is prove there is a nexus, right? Well, yes. The problem is that proving the nexus is not that simple.

In Kabul, leaders at the North Atlantic Treaty Organization (NATO) based International Security Assistance Force-Headquarters (HQ ISAF) have made it known that ISAF will get more involved with support to CN. During a video teleconference (VTC) with the students at the Army Command and General Staff College, Major General (MG) Michael Tucker, Deputy Chief-of-Staff (DCOS) of ISAF said “2009 will be the year of counter-narcotics for ISAF” (Tucker, 2009). Proving the nexus would be ISAF’s perfect foot-in-the-door for CN missions. ISAF would not only be supporting LE, these would be military missions as well.

If these missions were to support law enforcement with no evidence of the nexus, there would be legal and policy restrictions. Also, many of the countries that represent NATO have national caveats that forbid them from providing any support to LE or CN. With the nexus, nothing changes. Yes, they would support CN missions, but do it by attacking military targets. Why is this a problem? It is a problem because CN missions are triggered in time-sensitive conditions. Opportunities to target HVIs are fleeting which may require action within only a few days or hours. The need to prove the nexus ahead of time so the military can provide support may waste time and create missed opportunities. The presence of drugs and weapons, or pre-cursor chemicals is required to prove the nexus. When the nexus can be proven, military Special Forces have been used to provide

support because of their ability to respond in only a few hours notice. The support has come in the form of cordon security and helicopter lift.

The nexus may not be able to be proven in all cases. This may be because either the nexus does not exist, or the appropriate level of intelligence is unable to prove it. Regardless of whether the nexus resides in every situation, the narcotics industry is still funding the insurgency. Is this fact not enough to validate the need for military support to CN in Afghanistan? Is it still unlawful? Does it violate policy? The military must be able to go outside of the nexus to support LE units in capturing the narco-criminals, and destroy the narco-networks.

Primary and Secondary Research Questions

The primary research question is: Should the military be involved in counter-narcotics (CN) missions in Afghanistan? Secondary and tertiary research questions address legal and policy guidance of US military support to CN. In the first secondary question, the Posse Comitatus Act is examined to determine if it applies in Afghanistan. Accordance with international law and NATO regulations is also studied to determine the lawfulness of foreign military support to CN.

Another secondary question asks if CN is a LE only mission. Subordinate questions address how CN interdiction missions are conducted now, and examine if LE units are capable of handling the drug problem without military support. The answers to these questions contribute to the determination of what enablers the military “should” provide compared to what “can” actually be provided.

The final secondary question addresses if military support to CN contributes to the overall strategy in Afghanistan. Subordinate questions to this ask what the strategy in

Afghanistan is. Finally, a case study is used to compare CN operations in Afghanistan to those in Colombia.

Assumptions

It is assumed that laws will not have to be changed to allow the military to be involved in LE operations overseas or in foreign countries; however, changes to policy may be required. Past military support to CN in Colombia provides a good indication for what is allowed in Afghanistan. CN missions will continue to be conducted by LE units whether the military is allowed to provide support or not. Also, CN interdiction missions do not involve poppy eradication.

Definitions

Nexus: In the context of this paper, the term ‘NEXUS’ refers to anything that contributes to both narcotics trade and the insurgency, to include: individuals, trafficking networks, drugs, lab facilities, pre-cursor chemicals, weapons, and storage facilities.

Center of Gravity: The source of power that provides moral or physical strength, freedom of action, or will to act (Department of Defense 2008, GL-7). They are physical or moral entities that are the primary components of physical or moral strength, power, and resistance. They strike effective physical or moral blows (Kem 2009, 25).

Critical Capability: A means that is considered a crucial enabler for a center of gravity to function as such and is essential to the accomplishment of the specified or assumed objective(s) (Department of Defense JP 3-0 2008, GL-11).

Critical Requirement: An essential condition, resource, and means for a critical capability to be fully operational (Department of Defense JP 3-0 2008, GL-11).

Critical Vulnerability: An aspect of a critical requirement which is deficient or vulnerable to direct or indirect attack that will create decisive or significant effects (Department of Defense JP 3-0 2008, GL-11).

CN: Counter-narcotics; synonymous with counter-drug (CD).

CD: Counter-drug; synonymous with counter-narcotics (CN). The author primarily uses the term CN.

Drug Interdiction: The interception of the illicit crops post-harvest or after processing into drug form (Bellet 2008, 7).

Drug Eradication: The destruction of the illicit crops while being cultivated and is done manually by physically pulling the plants out of the ground or by spraying with herbicides either by the ground or by aerial activity (Bellet 2008, 7).

Limitations

This paper utilizes only open source research concerning military assistance to LE. The focus is on narcotics trade in Afghanistan.

Scope and Delimitations

This study assesses if the military should support CN interdiction missions. It examines legal and policy implications of military support to LE. Also, it determines similarities between CN missions in Colombia and current CN missions in Afghanistan. This paper does not describe or assess poppy eradication unless it is to be compared to Colombia. Nor does this paper analyze the economic, and governance problems associated with drug trade in Afghanistan.

Significance of Study

The significance of the study hinges on the fact that the war in Afghanistan is going to take a long time to complete. The results of this study could be used to improve military practices and their effectiveness in counter-insurgency (COIN) operations by eliminating the narcotics funding source of the enemy. Considering the importance of joint military-interagency operations in unconventional warfare, this paper examines the traditional view that the military does not get involved with LE operations. Also, narcotics trade fuels corruptness in the government of Afghanistan while there is an attempt to mold it into an effective democracy.

This chapter discussed the background of the thesis, primary and secondary research questions, significance, assumptions, definitions, limitations, and delimitations. The next chapter covers literature review.

CHAPTER 2

LITERATURE REVIEW

In weak or failed states, the formal economy may not function well. The informal economy refers to such activities as smuggling, black market activities, barter and exchange. Insurgent organizations may attract followers through criminal activities that provide income.

— Department of the Army,
FM 3-24, *Counterinsurgency*

Should the military be involved in counter-narcotics (CN) missions in Afghanistan? Many of the publications reviewed on this topic are government documents, which include: United States Code (USC) Title 10 and 18, various Department of Defense (DOD) Directives, the Posse Comitatus Act, the Law of Armed Conflict (LOAC), Joint Publication (JP) 3-07.4, *Joint Counterdrug Operations*, and the Chairman of the Joints Chiefs of Staff Instruction (CJCSI) 3710.01B, *DOD Counterdrug Support*. They provide current policy and operational guidance. The Chairman of the Joint Chiefs of Staff Manual (CJCSM) 3500.04C Universal Joint Task List (UJTL) contains instructions on providing assistance to other nations or groups (counterinsurgencies or insurgencies) in support of the national security, to include counterdrug operations (CJCS 2002, B-C-A-133). Other publications include articles and papers written on the subject of military involvement to law enforcement (LE).

An oral history interview was conducted via telephone with a DEA agent formally deployed to Afghanistan who was involved with CN operations (Appendix A). A personal journal of the author was also used that highlights previous experiences and observations on CN operations in Afghanistan. Existent works on this subject include

theses about the military contribution to CN in Colombia. These works are used for comparison purposes.

A pattern in the relationship of the legal findings suggests that military restrictions to supporting law enforcement (LE) operations only apply inside the 50 States, District of Columbia, Commonwealth of Puerto Rico, and US possessions and territories; however, the Posse Comitatus Act is a source of confusion and presents gaps in regards to military support to LE in foreign countries. The problem involves a complex environment where insurgents establish funding capabilities through drug trade. This source of funding is primarily targeted by LE units, not the military, and reflects the benchmark of the study. This study addresses the paradigm that “the military traditionally does not ‘do’ LE.” It also serves as validation for the continuation of the paper, and answering secondary questions. However, possible legal and policy stipulations have been identified that may limit the degree to which military support may be provided.

According to the oral history interview, the DOD has loosened former policy restrictions. These changes have enabled the military to be involved with CN operations. As a result, LE units have been receiving support they request since December 2008. However, the interview also suggested that there is still reluctance from military personnel to provide any support to CN operations.

Legal and Regulatory

What do legal and policy documents say about military support to LE and CN? Is military support to CN against the law? Are the Posse Comitatus Act, US policy, and international law violated?

Posse Comitatus

As a lead-in to the discussion of legal considerations to military operations in support of LE, a brief history and description of the Posse Comitatus Act of 1878 is in order. The Posse Comitatus Act (Title 18 US Code, Section 1385) was originally intended to end the use of federal troops to police state elections in former Confederate states after the Civil War, and prohibits the Army and Air Force from executing civil laws (Larson and Peters 2001, 243). As a result, it has been the cause of much confusion over the military's role in law enforcement operations. When employed, their use has been controversial, and the constitutional basis for their use has been challenged in the media, in politics, and in the courts (Reese 2006, iii).

Latin for "power of the country," the Posse Comitatus Act was a Congressional reaction to the post-Civil War military presence in the southern states. This presence reduced violence and suppressed terrorist organizations, to include the Ku Klux Klan. Also, Attorney General Alphonso B. Taft gave federal deputy marshals the power to call on the Army as a posse for maintaining order at polling places in the South during the 1876 presidential election (Matthews 2006, 30). The election was so close that a special commission was required to determine the winner between Republican Rutherford B. Hayes and Democrat Samuel J. Tilden in which Hayes won (Matthews 2006, 31). In return for a Democratic promise not to challenge the commission's findings, President-elect Hayes, vowed to remove a large portion of the Army from the South (Matthews 2006, 31).

What was originally called the Knott Amendment; President Hayes signed the Posse Comitatus Act on 18 June 1878. The Navy was accidentally excluded. The act stated:

From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress. (Coakley 1989, 344)

The act was almost certainly intended as one last bulwark against federal meddling in the internal affairs of the white supremacist South, rather than the military's involvement (Coakley 1989, 344). It is perhaps the ultimate irony that a nation conceived in liberty and dedicated to democratic ideals has until this time upheld the precepts of the Posse Comitatus Act, a law with origins in oppression and tyranny (Matthews 2006, 33). In Title 18 USC, Chapter 67, Section 1385, the Posse Comitatus Act currently states:

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both. (Office of the Law Revision Counsel 2008a)

Where does this lead us into the 21st century and our abilities to fight the Global War on terror (GWOT)? In the age of irregular warfare, the military must be able to react with utmost speed to a terrorist attack on American soil and not find its actions bogged down with legal uncertainties inherent in the Posse Comitatus Act (Matthews 2006, 72). However, this paper is not about military operations on American soil. It applies to operations in foreign countries. Does the Posse Comitatus Act still apply? An apparent paradigm of some military personnel suggests that it does. "The ISAF commander wants to get the military more involved with CN, but it's amazing how many people are against

it, especially the ISAF legal advisors (LEGADs)” (Biehl 2008). Their argument was that traditionally, the military does not “do” LE.

The Posse Comitatus Act prohibits the direct use of federal military troops in domestic civilian law enforcement (Suburban Emergency Management Project 2005). Can the term “domestic” be assumed to mean within the United States? Was this the intent of the original drafters of the act? The act does not apply to overseas military missions or domestic military missions (Suburban Emergency Management Project, 2005). Examples of military missions are those operations in support of such campaigns as Operation Desert Storm (1991) and Operation Iraqi Freedom (2003). In the case of this study, military operations refer to Operation Enduring Freedom (2001) in Afghanistan.

There is a grey area to the application of the Posse Comitatus Act in foreign countries. The gap is that none of the official documents specifically mention the use of the military for LE in foreign countries. However, the previous articles suggest it does not apply in such places.

Title 10 United States Code

Title 10 USC provides the legal basis for the roles, missions and organizations of each of the services as well as the Department of Defense (Office of the Law Revision Counsel 2008b). The code is divided into subtitles, parts, chapters and sections. This research investigated the material in Subtitle A (General Military Law), Part I (Organization and General Military Powers), Chapter 18 (Military Support to Law Enforcement Agencies). Within Chapter 18, Sections 371 through 381 are applicable to this paper.

The contents of these sections suggest that it is legal for the military to provide support LE. According to section 371, a joint task force (JTF) of the department of defense that provides support to law enforcement agencies conducting counter-drug activities may also provide, subject to all applicable laws and regulations, support to law enforcement agencies conducting counter-terrorism (CT) activities (Office of the Law Revision Counsel 2006a). This section seems open-ended, in that it does not define what support to LE may consist of. Is it left to the discretion of the military commander and LEA involved?

Section 372 states that the military may provide equipment and facilities, and training and advising to civilian law enforcement officials. The Secretary of Defense may, in accordance with other applicable law, make available any equipment (including associated supplies or spare parts), base facility, or research facility of the Department of Defense to any Federal, State, or local civilian law enforcement official for law enforcement purposes (Office of the Law Revision Counsel 2006b). Also, the Secretary of Defense may, in accordance with other applicable law, make Department of Defense personnel available to: (1) train Federal, State, and local civilian law enforcement officials in the operation and maintenance of equipment, including equipment made available under section 372 of this title and (2) provide such law enforcement officials with expert advice relevant to the purpose of this chapter (Office of the Law Revision Counsel 2006c). It would be unlawful for these services to be provided without approval of the Secretary of Defense according to section 373.

Section 374 addresses the use of military personnel to operate equipment. The Secretary of Defense may, upon request from the head of a federal law enforcement

agency, make Department of Defense personnel available to operate equipment (including equipment made available under section 372 of this title) with respect to: (1) assistance that such agency is authorized to furnish to a State, local, or foreign government which is involved in the enforcement of similar laws and (2) a foreign or domestic counter-terrorism operation.

This is applicable only to the extent that such support does not involve direct participation by military personnel in a civilian law enforcement operation, unless such direct participation is otherwise authorized by law (Office of the Law Revision Counsel 2006d). However, this section seems to contradict itself in regards to direct participation by military personnel in the following statement: “Department of Defense personnel made available to a civilian law enforcement agency under this subsection may operate equipment for the transportation of civilian law enforcement personnel along with any other civilian or military personnel who are supporting, or conducting, a joint operation with civilian law enforcement personnel” (Office of the Law Revision Counsel 2006d). DOD personnel may also be used to operate equipment for detection, monitoring and communication of air and sea traffic, aerial reconnaissance, and interception of vessels or aircraft detected outside the land area of the United States. This is to communicate with and direct such vessels and aircraft to go to a location designated by appropriate civilian officials (Office of the Law Revision Counsel 2006d).

Although it appears that it is legal for the military to be involved in LE operations, these laws do not allow direct participation according to section 375. What is considered direct participation? The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility

or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law (Office of the Law Revision Counsel 2006e). According to Section 375, direct participation is a search, seizure, arrest, or other similar activity. This presents another grey area. Where is the line drawn between when the military is and is not allowed to be involved in LE? Does direct participation include a kinetic strike from an aircraft? In COIN or CT operations, are commanders left with enough flexibility to work with these restrictions to allow the military to work alongside LE agents if required?

No matter what the military provides for the sake of LE, it is not to adversely affect military preparedness. Section 376 states that support (including the provision of any equipment or facility or the assignment or detail of any personnel) may not be provided to any civilian law enforcement official under this chapter if the provision of such support will adversely affect the military preparedness of the United States. The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that such preparedness is not affected (Office of the Law Revision Counsel 2006f). A gap in this section exists, in that military preparedness is not defined.

Section 377 states that military support is required to be reimbursed by the LEA that benefited from it. However, there are cases in which reimbursement is not required.

To the extent otherwise required by section 1535 of title 31 (popularly known as the “Economy Act”) or other applicable law, the Secretary of Defense shall require a civilian law enforcement agency to which support is provided under this chapter to reimburse the Department of Defense for that support. An agency to which support is provided under this chapter is not required to reimburse the

Department of Defense for such support if it: (1) is provided in the normal course of military training or operations, or (2) results in a benefit to the element of the Department of Defense providing the support that is substantially equivalent to that which would otherwise be obtained from military operations or training. (Office of the Law Revision Counsel 2006g)

If the military provides support to LE agencies during CN interdiction missions in Afghanistan, would it fall into the category that does not require reimbursement?

Section 378 addresses non-preemption of other law. It states that nothing within chapter 18 of Title 10 USC shall be construed to limit the authority of the executive branch in the use of military personnel or equipment for civilian law enforcement purposes beyond that provided by law before 1 December 1981 (Office of the Law Revision Counsel 2006h)

Within section 379, the US Coast Guard is required to assign personnel to naval vessels for law enforcement purposes, and operates under Title 14 of the USC. The Secretary of Defense and the Secretary of Homeland Security shall provide that there be assigned on board every appropriate surface naval vessel at sea in a drug interdiction area members of the Coast Guard who are trained in law enforcement and have powers of the Coast Guard under title 14, including the power to make arrests and to carry out searches and seizures (Office of the Law Revision Counsel 2006i). In this section, the term "drug-interdiction area" means an area outside the land area of the United States in which the Secretary of Defense (in consultation with the Attorney General) determines that activities involving smuggling of drugs into the United States are ongoing (Office of the Law Revision Counsel 2006i). Although not applicable in Afghanistan, this section highlights requirements for joint LE and military CN operations for homeland defense.

Section 380 pertains to the enhancement of cooperation with civilian law enforcement officials. It states:

(a) The Secretary of Defense, in cooperation with the Attorney General, shall conduct an annual briefing of law enforcement personnel of each State (including law enforcement personnel of the political subdivisions of each State) regarding information, training, technical support, and equipment and facilities available to civilian law enforcement personnel from the Department of Defense.

(b) Each briefing conducted under subsection (a) shall include the following:

(1) An explanation of the procedures for civilian law enforcement officials—

(A) to obtain information, equipment, training, expert advice, and other personnel support under this chapter; and

(B) to obtain surplus military equipment.

(2) A description of the types of information, equipment and facilities, and training and advice available to civilian law enforcement officials from the Department of Defense.

(3) A current, comprehensive list of military equipment which is suitable for law enforcement officials from the Department of Defense or available as surplus property from the Administrator of General Services.

(c) The Attorney General and the Administrator of General Services shall—

(1) establish or designate an appropriate office or offices to maintain the list described in subsection (b)(3) and to furnish information to civilian law enforcement officials on the availability of surplus military equipment; and

(2) make available to civilian law enforcement personnel nationwide, tollfree telephone communication with such office or offices. (Office of the Law Revision Counsel 2006j)

Section 381 addresses procurement by state and local governments of law enforcement equipment suitable for counterdrug activities through the Department of Defense. It states that the Secretary of Defense shall establish procedures in accordance with this subsection under which States and units of local government may purchase law

enforcement equipment suitable for counter-drug activities through the Department of Defense (Office of the Law Revision Counsel 2006k). Although it stresses State and local governments, it reinforces the attitude that military and LE need to be willing to work together, and processes exist to help facilitate it.

United States Policy

Is it against US policy for the military to be involved with LE? DOD Directives (DODD) are broad DOD policy documents containing what is required by legislation, the President, or the Secretary of Defense to initiate, govern, or regulate actions or conduct by the DOD Components within their specific areas of responsibility (AORs). DODDs establish or describe policy, programs, and organizations, define missions, provide authority, and assign responsibilities (Pike 2009). There are DODDs that apply to military support to LE or civil authorities. However, some of them do not apply in foreign countries. If the military traditionally “does not do law enforcement,” why are there policies that permit it?

DODD 3025.15 pertains to military assistance to civil authorities. However, it governs all DOD military assistance provided to civil authorities within the 50 States, the District of Columbia, Commonwealth of Puerto Rico, US possessions and territories, or any political subdivision thereof (Department of Defense 1997, 2). This implies that it does not apply in foreign countries. The directive also states that it does not cover counter-drug (CD) support.

DODD 5100.77, DOD Law of War Program, requires each military department to design a program that ensures Law of Armed Conflict (LOAC) observance, prevents LOAC violations, ensures prompt reporting of alleged LOAC violations, appropriately

trains all forces in LOAC, and completes a legal review of new weapons (Powers 2009). The LOAC applies to both international and domestic law, and governs armed conflict according to three principles: military necessity, distinction, and proportionality.

Additionally, DODD 5525.5 Change 1, DOD Cooperation with Civilian Law Enforcement Officials, presents many contradictions to supporting and not supporting LE. DOD policy on assistance to LE officials in foreign governments is not governed by this Directive except as specified by other DOD issuances (Department of Defense 1989, 1). Although it says it does not apply in foreign countries, it also says that it is DOD policy to cooperate with civilian law enforcement officials to the extent practical. The implementation of this policy shall be consistent with the needs of national security and military preparedness, the historic tradition of limiting direct military involvement in civilian law enforcement activities, and the requirements of applicable law (Department of Defense 1989, 2). It should be noted that this document enforces the policy to be consistent with the historic tradition of limiting direct military involvement in civilian LEAs. This supports the paradigm that “the military does not do law enforcement.”

This directive went into effect on 15 January 1986. A change was incorporated on 20 December 1989 which states:

With regard to military actions conducted outside the territorial jurisdiction of the United States, the Secretary of Defense or the Deputy Secretary of Defense will consider for approval, on a case by case basis, requests for exceptions to the policy restrictions against direct assistance by military personnel to execute the laws. Such requests for exceptions to policy outside the territorial jurisdiction of the United States should be made only when there are compelling and extraordinary circumstances to justify them. (Department of Defense 1989, 6)

This directive initially mentioned it does not apply to foreign countries, but according to this statement, it does apply, and direct assistance by military personnel is possible.

However, the Domestic Operational Law Handbook for Judge Advocates addresses the Posse Comitatus Act as it pertains to USC Title 10 and DODD 5525.5. It states the following:

Federal courts have generally held that the Posse Comitatus Act places no restrictions on the use of armed forces abroad. The courts, noting that Congress intended to preclude military involvement in domestic law enforcement activities, have been unwilling to read any extraterritorial application in the Posse Comitatus Act. A 1989 Department of Justice Office of Legal Counsel Opinion concluded that the Posse Comitatus Act and the restrictions in USC Title 10 §§ 371-381 have no extraterritorial application. However, in *United States v. Kahn* the 9th US Circuit Court of Appeals indicated that the extraterritorial application of the Posse Comitatus Act remains an open question. While recognizing that several courts have held that the Posse Comitatus Act only applies within the territory of the United States, the Kahn court maintained that the issue has not been definitively resolved, since the Posse Comitatus Act imposes restrictions on the use of the armed forces abroad through USC Title 10 §§ 371-381.

Nevertheless, DOD implementing policy contained in DODD 5525.5 applies to all members of the armed forces wherever located. Therefore, the Posse Comitatus Act restrictions must be considered even when contemplating military assistance to law enforcement overseas. In case of compelling or extraordinary circumstances, the Secretary of Defense may consider exceptions to the prohibition against direct military assistance to law enforcement outside the territorial jurisdiction of the United States. (Barnett 2009, 61-62)

According to the DOD Fiscal Year (FY) 2009 Supplemental Request for Drug Interdiction and Counterdrug Activities, military policy is changing. The following policy statement addresses how the military is able to contribute to CN missions in Afghanistan.

The production and trafficking of narcotics in Afghanistan is a devastating threat to the stability of Afghanistan and the surrounding region. Afghanistan cannot develop into a properly functioning democracy, with a stable government operating under the rule of law, if the drug trade dominates its economy. To combat the drug trade, the U.S. government (USG), working with allied governments, developed a five-pillared counternarcotics strategy addressing (1) alternative livelihoods, (2) elimination and eradication, (3) interdiction, (4) law enforcement and justice reform, and (5) public information.

The Department of Defense (DoD) provides military assistance under the interdiction, law enforcement and justice reform, and public information counternarcotics pillars, building the Afghan government's capacity to combat the

drug trade and to coordinate those efforts with the United Kingdom, as lead nation. Resources are required for training, equipment, intelligence, and infrastructure to counter narcotics trafficking and narcotics-related terrorist activities in Afghanistan and Central Asia.

In Afghanistan, U.S. troops are authorized to conduct military operations against drug trafficking targets when those military operations support the stability mission in Afghanistan. U.S. military forces also support Afghan interdiction operations that are focused on building government or Afghan counternarcotics capabilities. (Department of Defense 2009)

International Law

Are international laws or policies violated? The war in Afghanistan is not a US-only effort. The coalition force is made up of other nations, to include NATO and non-NATO countries. However, if the US is to include these countries in their CN operations, international law must be considered. Up to now, CN operations in Afghanistan have mainly been a US and UK effort. If the rest of the countries are to be involved with these missions, international law and national caveats may prevent that from happening. One of the caveats forbids direct support to CN missions. According to MG Tucker, ISAF DCOS, “NATO country caveats are actually weakening the coalition” (Tucker 2009). However, according to Admiral Mullen, NATO-led forces have stepped up operations against drug networks after the alliance last year eased rules for targeting narcotics rings (Mullen 2009). In August 2009, a new policy was created to target drug lords with ties to the insurgency. This policy is likely to raise legal concerns from some NATO countries that have troops in Afghanistan. Several NATO countries initially questioned whether the new policy would comply with international law (Risen 2009).

Doctrine

If narcotics trade is funding the insurgency, is CN a LE only mission? How are CN missions in Afghanistan conducted now? The Counter-Narcotics Police of Afghanistan (CNPA) is the organization responsible for CN missions in Afghanistan, to include interdiction missions and poppy eradication. The CNPA is subordinate to the Ministry of Interior (MoI). National civil order police, border patrolmen, district police, the counternarcotics force, the counterterrorism force, criminal investigators, and even the Afghan fire departments all fall under the Ministry of Interior (MOI) umbrella (Irwin 2009, 71). Under the CNPA are the National Interdiction Unit (NIU) and the Afghan Special Narcotics Force (ASNF). The NIU and ASNF are the two Afghan LE units that execute CN interdiction missions. The NIU is mentored by US Drug Enforcement Administration (DEA) agents of a Foreign-deployed Advisory Support Team (FAST). The NIU-FAST team is composed of approximately 160 personnel. The ASNF is mentored by British military personnel, and totals approximately 180 personnel.

Interdiction missions target drugs traffickers, drug caches, processing labs and precursor chemicals. Intelligence for targeting is gathered and analyzed at the Interagency Operations Coordination Center (IOCC). The IOCC is located on the International Security Assistance Force-Headquarters (HQ ISAF) base in Kabul. The director of the Interagency Operations Coordination Center is a British LE agent of the Serious Organized Crime Agency (SOCA). SOCA is the UK equivalent to the DEA. The deputy director is a US DEA agent. A staff of analysts is comprised of personnel from the National Geospatial Intelligence Agency (NGA), the National Security Agency (NSA), the Defense Intelligence Agency (DIA) and SOCA. Although primarily a civilian

organization, the IOCC also has four military personnel, one US officer and three British officers. The military officers are liaisons to ISAF for operational support and deconfliction for CN missions.

IOCC analysts use intelligence to establish narcotics networks of individuals, patterns of life, and the locations of labs and caches. The individuals involved in these networks are referred to as high value individuals (HVIs). This information is used to create target packs for interdiction missions. These target packs are provided to the NIU and ASNF for concept of operations (CONOP) and execution planning. Mission execution is time sensitive based on triggers from human intelligence (HUMINT) of HVI activity to facilitate arrests. Other missions, such as a raid on a lab are not as time sensitive.

Are LE units capable to handle the drug problem without the military? These Afghan LEAs are unable to protect themselves in more dangerous areas where they could be overwhelmed by the Taliban. This limits the areas where they are able to execute missions, which provide Taliban forces freedom to operate. “The civilian police mentors hired by the State Department to provide civilian law enforcement expertise to the developing Afghan police forces do not have the flexibility to deploy into areas where they are needed the most, for reasons of force protection and non-permissive threat conditions” (Irwin 2009, 73).

If the military is to operate jointly with LE, how will this be done?

The 1986 Goldwater-Nichols Department of Defense Reorganization Act was created to overcome inter-service rivalry, allowing the US military to operate more efficiently and effectively. With its desire to create a more appropriate balance between joint and service interests as a backdrop, Congress declared eight purposes for the act: to reorganize DOD and strengthen civil authority, to improve

the military advice provided to the president, National Security Council, and Secretary of Defense, to place clear responsibility on the commanders of the unified and specified commands for the accomplishment of missions assigned to those commands, to ensure that the authority of commanders is fully commensurate with the responsibility of those commanders for the accomplishment of missions assigned to those commands, to increase attention to strategy formulation and contingency planning, to provide for the more efficient use of defense resources, to improve joint officer management policies, and otherwise to enhance the effectiveness of military operations and improve DOD management and administration. (Locher 1996, 10-11)

“Unfortunately, rather than seeking to unify knowledge and expertise, the Government as currently structured does the opposite, continuing to divide knowledge into component parts by first deconstructing national security issues and then parceling most of the parts to individual departments and agencies” (Gorman and Krongard 2005, 53). An example of this phenomenon is opium production in Afghanistan. Because this issue was not clearly a defense, diplomatic, or law enforcement matter, it fell between the cracks of US departments and agencies. Hence, it was not addressed in the initial year of Operation *Enduring Freedom* (Gorman and Krongard 2005, 53). As a result, despite the threat the opium industry represents to political stability in Afghanistan, production rose twenty-fold since the fall of the Taliban in December 2001 and accounts for 40 to 60 percent of Afghanistan’s economic output (North 2005).

Military support to CN is nothing new to US Southern Command (USSOUTHCOM). It has a unique CN task force and is a role model for the kind of innovative cooperation and fusion of capabilities needed to counter the nexus of illicit drug trafficking. This task force called Joint Interagency Task Force South (JIATF-S) combines efforts of international partners, the US armed services, and numerous US and international departments and agencies to combat the illicit drug trade stemming from Latin America and the Caribbean. In 2008, this task force helped facilitate the capture by

law enforcement or partner nations of 317 drug traffickers (Stavridis 2009, 12). If USSOUTHCOM is able to have such an organization, could one exist in US Central Command (USCENTCOM)?

What enablers “can” the military provide to CN? Although the extent to what support military can provide to LE may be bound by policy, US Army Field Manuals (FM) and Joint Publications (JP) provide doctrine for the planning and execution of US military support to CN operations. They are authoritative in nature, giving commanders flexibility to use judgment in not following doctrine if circumstances dictate otherwise. In regards to CN support to other nations, it generally employs the full range of informational, economic, diplomatic, and military instruments of US national power (Department of Defense 2007, III-7). See figure 3.

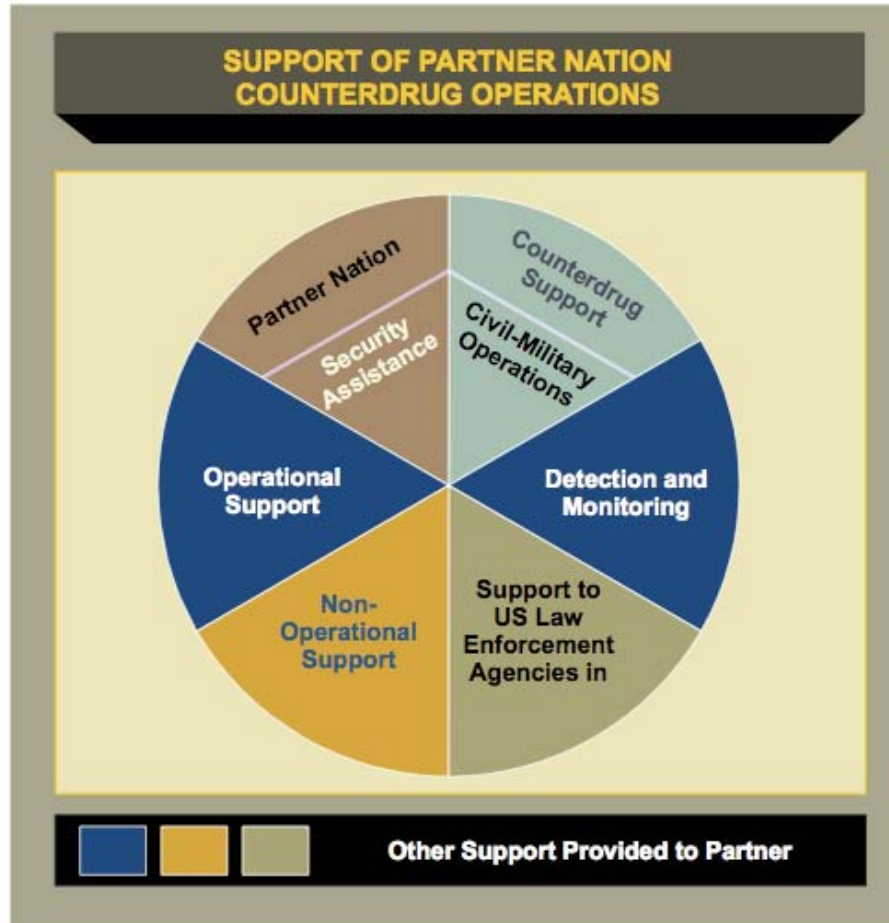


Figure 3. Support of Partner Nation Counterdrug Operations
 Source: Department of Defense, Joint Publication (JP) 3-07.4, *Joint Counterdrug Operations* (Washington, DC: Government Printing Office, 2007), III-8.

Afghanistan produces nearly 90 percent of the world's opium poppy and is the world's largest heroin producing and trafficking country. Trafficking activities include refining and traffic in all forms of unrefined (opium), refined (heroin) and semi-refined (morphine base) opiate (Department of Defense 2007, IV-4). Afghanistan is inside the USCENTCOM AOR. In order for the military to provide foreign country counterdrug support, a formal request must be submitted by a federal government department or agency official who has counter-drug responsibility.

What enablers “should” the military provide to CN? According to Smith, LE units need day and night helicopter lift, close air support (CAS), medical evacuation (MEDEVAC), cordon security and intelligence support (Smith 2009). These military enablers are needed due to the limited number of aircraft and personnel within the NIU and ASNF.

Strategy

Would military support to CN contribute to the overall strategy in Afghanistan? What is the strategy in Afghanistan? According to several different sources, it seems to be evolving. In October 2008, the ISAF Commander (COMISAF), GEN David McKiernan was interviewed at the Pentagon in which he said winning in Afghanistan meant there would be: (1) security, (2) a viable government, and (3) economic reconstruction and development (McKiernan 2008). A threat to all of these objectives is the insurgency nexus, including Taliban, Al-Qaeda and narco-criminals with syndicated motivations to keep these objectives from being realized. According to MG Tucker, ISAF DCOS, during a VTC with the US Army CGSC in February 2009, the strategy was population centric and the objectives for Afghanistan were to: (1) have no terrorist safe havens (2) marginalize the Taliban (3) build and maintain an effective security force, and 4) contain regional extremism (Tucker 2009). However, in light of the Afghan election in August 2009, voting is a number one priority as he feels 2009 will be defined by these elections.

Just a month later in March during an interview with Secretary of Defense Robert Gates, President Obama was quoted about the new strategy in Afghanistan in which he said, “We have a clear and focused goal-to disrupt, dismantle, and defeat al Qaeda in

Pakistan and Afghanistan” (Obama 2009). When asked to comment, Secretary Gates said, “The near-term objectives have been narrowed. I think our long-term objective still would be to see a flourishing democracy in Afghanistan. We need to focus our efforts in making headway in reversing the Taliban’s momentum and strengthening the Afghan army and police and really get going after al Qaeda” (Gates 2009a).

Although this shows an evolving strategy, a common theme remains: the need for security. Also, all of the above mentioned objectives speak to minimizing corruption and strengthening police forces. How do CN operations relate to this? Can there be a corruption-free government in the midst of ramped drug trade? Can there be security when the threat to it, the Taliban, has a strong supply chain and recruiting source in drug trade? How can police forces be strengthened to fight the drug problem? The narcotics-security relationship is shown in figure 4. This relationship is also known as the “vicious circle” (World Bank 2004).

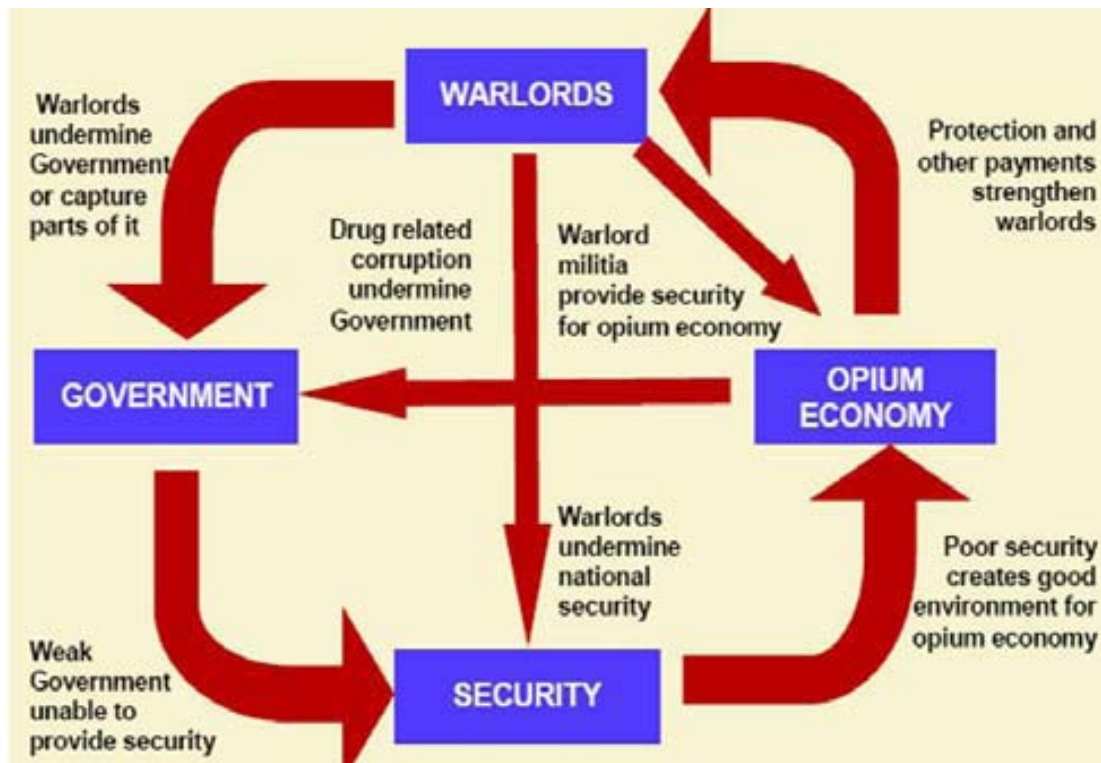


Figure 4. The Afghan Narcotics Security Relationship

Source: World Bank, “Afghanistan: State Building, Sustaining Growth, and Reducing Poverty” (Report No. 29551-AF, 2004), xvii.

In a report by Tom Bowman of National Public Radio (NPR) about the new Afghanistan policy, he said “a lot more troops are needed. However, military officials and others say you can’t win this militarily. First, you must establish security. Right now, Afghanistan is not secure, especially in the southern part of the country, which is home to the Taliban . . . The whole key to this counterinsurgency effort is to protect the population” (Bowman 2009). When asked what else was required, he said more money and a lot more civilian experts. Dozens of agents from the Federal Bureau of Investigation (FBI) and DEA are being sent to southern Afghanistan to deal with the drug problem, and go after narcotics labs and mid-level traffickers. NATO will be pushed hard to send more experts as well (Bowman 2009). If southern Afghanistan is home to the

Taliban, are these LE experts expected to do it alone? How can the Taliban and the drug problem be dealt with if the military and LE are not working side-by-side?

In a different interview with Secretary Gates in March 2009, Gates made more comments about the new strategy in Afghanistan and how it relates to narcotics and corruption.

The US government has been straightforward with the Afghan government about the need to improve governance, and particularly in the provinces and the districts; to deal with the narcotics problem, and to deal with corruption. What we are trying to do and what our strategy is with respect to narcotics is focused on the drug lords, the drug kingpins and the laboratories that provide money that supports the violent extremists. Estimates range anywhere from \$70 to 100 million a year that the extremists get from drug traffic. Also, it feeds corruption and undermines the legitimacy of government. (Gates 2009b)

It seems that the drug traffickers will be targeted in order to defeat the insurgency.

However, a contradiction is made during a press conference in May 2009 by Secretary Gates when he says the Taliban needs to be defeated in order to stop the drug trade. Should narcotics trade and the drug traffickers be targeted to defeat the Taliban and the insurgency, or does the Taliban and the insurgency need to be targeted to defeat the drug trade? “We have no desire to see the drug traffic continue, and frankly, neither do most Afghans. Our primary purpose here is not to stamp out the drug trade. Most, in fact 95 percent of the entire poppy grown in Afghanistan now is in seven provinces, most of them in the south, where the Taliban are most prevalent and the most powerful. So I think that the key to stamping out the narcotics trade is to defeat the Taliban” (Gates 2009b).

Although there appears to be a gap in the plan as to whether drug trade or the Taliban will be targeted to affect the other, southern Afghanistan is the focus of operations. However, if operations are to be focused in the south, and it is home of the Taliban, how can LEAs be expected to execute CN operations without the help of the military?

Before the insurgency can be defeated, targets must be determined. These targets may be physical structures or people, and are recognized as critical vulnerabilities (CV) of a center of gravity (COG). In this case, narcotics trade is linked to the insurgency's COG. According to JP 3.0, "a COG is the source of power that provides moral or physical strength, freedom of action, or will to act" (Department of Defense 2008, GL-7). According to Kem, "they are physical or moral entities that are the primary components of physical or moral strength, power, and resistance. They strike effective physical or moral blows" (Kem 2009, 25). Can there be more than one COG? According to different sources, there is in Afghanistan. MG Tucker says "the south is the center of gravity for the Taliban" (Gilmore 2009). This refers to the southern provinces in Afghanistan, specifically Helmand and Nangarhar where the majority of the Taliban operate. According to the United States Institute of Peace, the Afghan people are the COG. "While the Taliban and insurgent groups are understandably the focus of heightened concern for policymakers, the international community needs to recognize that the center of gravity in Afghanistan is not the Taliban but the Afghan people" (Cole 2006).

How is narcotics trade linked to this? All COGs have critical capabilities (CC), critical requirements (CR), and critical vulnerabilities (CV). A CC is a means that is considered a crucial enabler for a center of gravity to function as such and is essential to the accomplishment of the specified or assumed objective(s) (Department of Defense 2008, GL-11). It is the COG's primary ability or abilities. A CR is an essential condition, resource, and means for a critical capability to be fully operational (Department of Defense 2008, GL-11). A CV is an aspect of a critical requirement which is deficient or vulnerable to direct, or indirect attack that will create decisive or significant effects

(Department of Defense 2008, GL-11). The CV provides an opportunity for the adversary to attack that power (Kem 2009, 77). By affecting the CV, the CR will be eliminated, ultimately contributing to the COG failing to achieve its CC.

By definition, it is difficult to say that the population and the south are COGs. It is better to refer to the Afghan people or the south as CRs for another possible COG, that being the insurgency or the Taliban. However, for the sake of argument, and the literature that considers the south and the people as enemy COGs, they are explored as such. If the south is a COG, what is its CC? It can be said that the southern provinces provide an environment for the Taliban to operate. “The Taliban and drug gangs have operated freely in the south for years and are putting up free resistance. The violence in southern Afghanistan is inextricably linked to drugs” (New York Times 2006). Narcotics trade is a CR for it provides funding for the insurgency. Narcotics trade is not a CR for the south. Eliminating narcotics trade, by definition, would then cause the Taliban to fail in their operations in the south. Therefore, it is best to identify the insurgency as the COG.

If the Afghan people are a COG, what is its CC? It is to breed corruption, eroding popular support for the Afghan government. “Corruption and other internal weaknesses have caused an erosion of such popular support for Afghanistan's national government” (Cole 2006). Narcotics trade is a CR to breed corruption that is beneficial for the insurgency. However, this makes it difficult to label the people as a COG. Drug trade is not a CR for the people. It is a CR for the Taliban. As a result, it is easier to label the insurgency or Taliban as the COG. Further analysis of this COG is completed in chapter four. The Taliban Operational Center of Gravity according to the literature review is represented in figure 5. It should be noted that these two COGs have multiple CRs. For

the sake of this paper, drug trade is the only CR represented to show that both COGs have a common a CR.

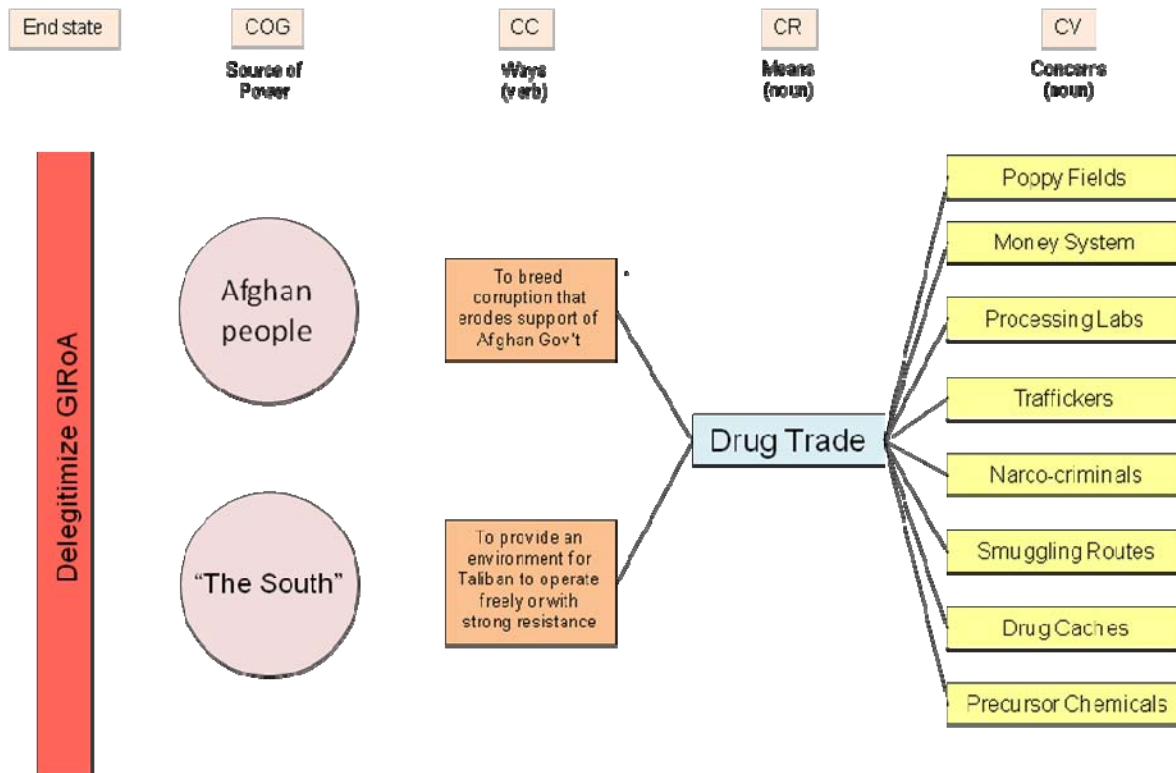


Figure 5. Enemy Center of Gravity Analysis
Source: Created by Author.

Colombia

How were CN operations conducted in Colombia? Afghanistan is not the first time that the US has encountered an insurgency that gets funding and weapons from narcotics trade. “Colombia, one of the closest US allies in Latin America, has been ravaged for decades by a civil war by two predominant rebel groups--the Revolutionary

Armed Forces of Colombia (known by its Spanish acronym, FARC) and the National Liberation Army (ELN); both are included on the US State Department's list of foreign terrorist organizations" (Hansen 2008). The Government of Colombia developed Plan Colombia as an integrated strategy to meet the most pressing challenges confronting Colombia--promoting the peace process, combating the narcotics industry, reviving the Colombian economy, and strengthening the democratic pillars of Colombian Society (Department of State 2001, 1). The plan was implemented from 1999 to 2005.

The situations in Afghanistan and Colombia are different in many ways; however, they also present some similarities. As such, lessons learned from Plan Colombia can be applied to CN efforts in Afghanistan. Just as insurgents in Afghanistan profit from opium and heroin trade from poppy cultivation, insurgents in Colombia also profit from poppy, in addition to cocaine produced from coca. The FARC receives \$250 to \$300 million annually through criminal acts; 65 percent is from drug trade (Harper 2003).

Another similarity is how plans were implemented in Colombia and Afghanistan. The US Government (USG) has focused on helping the Government of the Islamic Republic of Afghanistan (GIROA) to implement the five pillars of the Afghan National Drug Control Policy: (1) Alternative Livelihoods, (2) Elimination and Eradication, (3) Interdiction, (4) Law Enforcement and Justice Reform, and (5) Public Information (Schweich 2007, 17-18). Plan Colombia also had five parts. According to the US Department of State, the five components of US assistance and support to Plan Colombia were: (1) Support for Human Rights and Justice Reform, (2) Expansion of Counter-Narcotics Operations into Southern Colombia, (3) Alternative Economic Development,

(4) Increased Interdiction, and (5) Assistance for the Colombian National Police (CNP) (Department of State 2001, 1).

Three of the five components of Plan Colombia are applicable to the CN efforts in Afghanistan (Bellet 2008, 6). These components are: Alternative Economic Development, Interdiction and Eradication, and Assistance for the Colombian National Police. Methods of alternative economic development included convincing farmers (campesinos) to plant legal alternatives to coca and poppy by providing seed and fertilizer, and building roads to ease the burden of transporting crops to market (Bellet 2008, 6). A similar plan is used in Afghanistan to offer farmers alternative livelihoods in the place of growing poppy. Economically, this method presents a problem in Colombia and Afghanistan; the cultivation of illicit crops is simply more profitable (Bellet 2008, 7).

The second component of Plan Colombia applicable to Afghanistan is the pillar of Interdiction and Eradication. Eradication is designed to help the host government deter and reduce the cultivation of illicit crops by launching a major program of prevention incentives while also building a credible forces eradication capability (Schweich 2007, 18). In Colombia, eradication was performed by aerial and ground herbicidal spraying. This method is controversial, and is not used in Afghanistan. Eradication in Afghanistan is performed by employing a Poppy Eradication Force (PEF), and using Governor-Led Eradication (GLE). The PEF is a group of 600 Afghan police trained in eradication that uses tractors and high-tech equipment to destroy poppy fields (Schweich 2007, 49). GLE attempts to perform eradication through the political will of the local governors, but is subject to corrupt practices and perverse incentives (Schweich 2007, 49).

Eradication efforts failed in Colombia, and are currently failing in Afghanistan. In reference to Colombia, as explained in the Yale Journal of International Affairs, “The fumigation strategy has utterly failed to affect the price, purity, or availability of Colombian cocaine and heroin on US streets. The economics is simple: if drugs are scarcer, prices should rise. But that has not happened” (Isacson 2005, 143). Eradication efforts in Afghanistan are not achieving acceptable results either. Whatever money the insurgency gets from the drugs trade, they still get whatever they need whether the acreage of poppy fields is reduced or not (Farmer 2009). “Eradication attacks the farmers. Unless you can provide the resources for those people, to make a living and support their families, crop eradication only radicalizes people” (Gates 2009b).

“Interdiction focuses on decreasing narcotics trafficking and processing by helping the host government build its capacity to disrupt and dismantle the most significant drug trafficking organizations” (Schweich 2007, 18). Analysis from Colombia combines the results of eradication and interdiction. It is difficult to assess what was done specifically for interdiction missions, and what the effects were. However, it seems that interdiction failed the same as eradication did. “While estimating narcotics production is not an exact science, it shows that in the first six years of the eradication and interdiction campaign, there was actually a net increase in cocaine production from 1999 to 2005, from 630 tons to 640 tons annually, although there has been a downward trend in the past three years” (Galli 2008, 42). See figure 6.

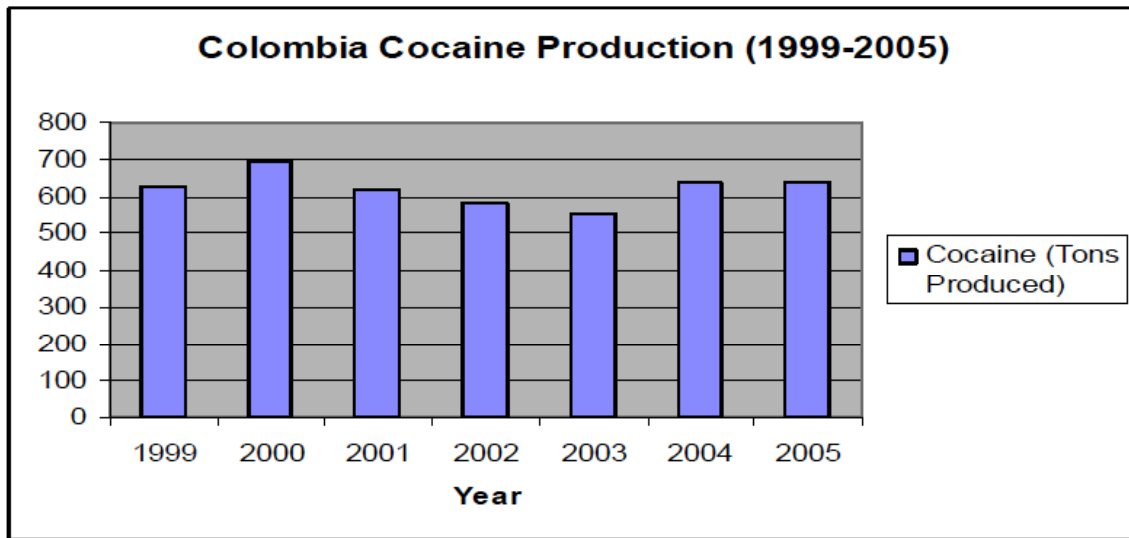


Figure 6. Colombian Cocaine Production 1999-2005

Source: Thomas Galli, “Narcotics Counterinsurgency Dilemma” (Monograph, School of Advanced Military Studies, 2008), 42.

The third component of Plan Colombia applicable to Afghanistan is the pillar of Assistance for the Colombian National Police. The nature of this thesis is to present the problems of limited military involvement to CN missions in Afghanistan. Colombia had a similar situation. “The US commitment to this pillar of Plan Colombia provides training, goods, and services to the Colombian National Police (CNP). However, the commitment stops short of allowing the use of US Forces in CN operations in Colombia” (Department of State 2007, 1). It restricted the military from providing direct support.

This was also the case during initial operations in Afghanistan. It has only been recognized within the past year that a change to CN is needed. However, has the drug problem in Afghanistan reached a point where it is irreversible, or can late military support have a positive effect?

The literature review discussed in this chapter covered legal and regulatory issues, to include US policy and international law. Doctrine was also covered in regards to how CN missions are currently conducted, and how the military should provide support. The strategy in Afghanistan was examined which highlighted the enemy's COG, and concluded with a comparison to CN operations in Colombia. The next chapter covers methodology.

CHAPTER 3

RESEARCH METHODOLOGY

Some of the lessons learned in the “drug war” apply in the war on terrorism. Going after the financial sources of the terrorist organization is as important as killing members of the terrorist cells. (Wortzel, 2001)

— Larry M. Wortzel, Ph.D.

Two Fronts: Unconventional Forces for an Unconventional War

Does the military need to be involved in counter-narcotics (CN) missions in Afghanistan? The Literature Review in chapter 2 provided a macroscopic view of the complex narcotics situation in Afghanistan and what must be considered to deal with it. This study involves a qualitative research method. A qualitative research method strives for detailed understanding and asks the questions: “What?” “Why?” or “How?” In this case, the research attempts to answer if the military should be involved with CN missions in Afghanistan. In a counter-insurgency (COIN) environment, it is useful to know what the military is and is not allowed to do considering the ruthless tactics used by the enemy. A comparative case study is used to focus on the narcotics problem in Colombia, how it was dealt with, and how it is similar and different to Afghanistan.

This chapter discusses the method in which research was conducted for this study, and is divided into four parts. The first part explains the research model, followed by the step used to gather information. Next, the criteria of the study are discussed. The chapter concludes with the strengths and weaknesses of the approach.

Research Model Development

The research model is based on the primary research question: Should the military be involved in CN missions in Afghanistan? To answer this question, three secondary

questions are asked, each having their own subordinate questions. The questions begin with legal and regulatory topics, followed by current operations and doctrine, and conclude with the strategy in Afghanistan. An additional piece of research was conducted to compare CN operations in Colombia.

The first secondary research question is: What do legal and policy documents say about military support to law enforcement (LE) and CN? The concern for legal implications starts with US law, and expands to international law. The series of subordinate questions are as follows: Is military support to CN against the law? Is the Posse Comitatus Act violated? Is US policy violated? Is international law violated?

The next secondary question is related to the link between narcotics trade and the insurgency: If narcotics trade is funding the insurgency, is CN only a LE mission? To answer this question, more questions needed to be answered concerning current CN operations. The series of subordinate questions are as follows: How are CN operations conducted now? Are LE units capable to handle the drug problem without the military? What enablers “can” the military provide? What enablers “should” the military provide?

The last secondary question involves the strategy in Afghanistan, and uses a comparison of the narcotics problem in Colombia: Would military support to CN contribute to the overall strategy in Afghanistan? The subordinate questions are as follows: What is the strategy in Afghanistan? How were CN operations conducted in Colombia?

Steps Taken to Obtain Information

The origin of this study began with observations by the author during a deployment in Afghanistan while involved with CN missions. The author was a staff

member of the Inter-Agency Operations Coordination Center (IOCC) in Kabul from July to December 2008. A personal journal was kept to record the experience, and is a source of information in the study.

The study made extensive use of online research to obtain more information. The information gathered included past works related to CN from the School of Advanced Military Studies and the Naval War College. Online articles were found from Early Bird, the Yale Journal of International Affairs, BBC News and the RAND Corporation. Additional web-based research included interview transcripts from Defense Link, Department of Defense (DOD) legal documents, DOD Directives and Department of State (DOS) publications. Other sources of information were journal articles, US Army Command and General Staff College (CGSC) papers, Army Field Manuals (FM), Joint Publications (JP), a CGSC video-teleconference (VTC), and an oral history interview.

In order to keep research of new information manageable for it to be incorporated into the thesis, the research cutoff date was 15 October 2009.

Research Criteria

The CN situation in Afghanistan is complex. The paradigm that the military does not “do” law enforcement (LE) and the existence of a narcotic-counterinsurgency “nexus” makes this study necessary. There are various legal and policy documents, and doctrine that suggests the military can be involved with LE missions, which makes this study feasible. The degree to how much the military can be involved with LE, whether it is directly or in-directly is brought out by these documents.

CN operations are currently being conducted in Afghanistan. However, the LE agencies (LEAs) involved claim that they need military support so their missions can be

more effective. Through an oral history interview with personnel involved (Appendix A), the “what” the military is asked to provide is determined. Doctrine and policy is also examined to determine what the military can provide to LE. Any changes to policy require the approval of the Secretary of Defense.

The overarching intent of this study is to determine if military support to CN would provide a positive contribution to the strategy in Afghanistan. More important to knowing what the military can provide and how the military can be involved with CN is determining whether doing so will make matters worse. Narcotics trade in Afghanistan relies on poppy grown by farmers, which is a major contribution to the country’s economy. If that is taken away, winning hearts and minds may not be possible. This is the reason a comparative study of Colombia was conducted. It needs to be determined whether lessons from the CN operations in Colombia can be applied to Afghanistan.

Strengths and Weaknesses of Methodology

The strength of this research is the diverse set of information applicable to military involvement to CN operations. Many parallels exist which strongly support the thesis statement that the military should be more involved in CN. Also, the historical comparison to CN operations on Colombia provides additional information and perspective. From this, recommendations are made on how to improve CN operations when the military is involved.

There are also many weaknesses to this method of research. First, this approach has a limited scope with regard to the narcotics problem and its solution in Afghanistan. Interdiction is only a small part to the solution. Eradication and governance issues are other areas of recommended study. To do so for this study would exceed the amount of

time required for research and the maximum length of the MMAS thesis paper.

Interdiction, eradication and governance issues should be considered together for a comprehensive solution. An emphasis on just interdiction is a possible quick-fix, but to rely solely on it may have disastrous consequences. Second, much of the study involves the review of legal documents. When presented together, there are instances of ambiguity, which is left for interpretation. This study uses the legal documents as a foundation to move forward. Third, this research is specific to CN operations as they relate to the COIN environment in Afghanistan. Solutions here may not be applicable elsewhere with guaranteed success.

The research methodology of this study consists of four parts. Legal and regulatory documents, doctrine, the strategy in Afghanistan, and the comparison to Colombia provide the framework for determining if the military should be involved in CN missions. The next chapter covers analysis.

CHAPTER 4

ANALYSIS

We will starve terrorists of funding, turn them against one another, and drive them from place to place, until there is no refuge and no rest.

— President George W. Bush,
2006 QDR.

Should the military be involved in counter-narcotics (CN) missions in Afghanistan? This chapter is organized by answering the tertiary research questions of each of the three secondary questions presented in chapter three. The flow is similar to that of chapter two with the topics: legal and regulatory, doctrine, and strategy.

Legal and Regulatory

What do legal and policy documents say about military support to law enforcement (LE) and CN?

Posse Comitatus

Is the Posse Comitatus Act violated? Based on the findings of the Posse Comitatus Act, its current application is often misused from its original intent. “The military needlessly becomes a victim of legal uncertainties, restricting its ability to react in the age of irregular warfare” (Matthews 2006, 72). Fortunately in this case, the stipulations of the Posse Comitatus Act do not apply on multiple levels. First, it was found that the Posse Comitatus Act does not apply in foreign countries. This paper addresses CN missions in Afghanistan, thus it is obvious the Posse Comitatus Act does not apply. Second, the Posse Comitatus Act prohibits the direct use of the military in domestic LE. If the term domestic is assumed to mean within the continental US, then

this would also make the Posse Comitatus Act non-applicable. However, if the word domestic was removed, and simply said that the Posse Comitatus Act prohibits the direct use of the military in LE, it still would not apply. The findings have shown that law enforcement agencies (LEAs) are not asking for the direct use of the military. They do not want the military to do their jobs for them. They are asking for enablers from the military to “help” them do their jobs. Finally, the Posse Comitatus Act gives the Secretary of Defense the authorization to make military equipment and personnel available for LE purposes where he sees fit. Therefore, the Posse Comitatus Act is not violated by the use of the military in CN operations in Afghanistan.

Congress created a “drug exception” to the Posse Comitatus Act. Under recent legislation, the Congress authorized the Secretary of Defense to make available any military equipment and personnel necessary for operation of said equipment for law enforcement purposes. Thus, the Army can provide equipment, training, and expert military advice to civilian law enforcement agencies as part of the total effort in the “war on drugs” (Larson and Peters 2001, 244-245).

Title 10 United States Code

Is military support to CN against the law? The findings of the research on Title 10 US Code (USC) are used to answer this question. The research focused on Title 10, Subtitle A (General Military Law), Part I (Organization and General Military Powers), Chapter 18 (Military Support to Law Enforcement Agencies), Sections 371 through 381. In a similar case to the Posse Comitatus Act, none of the findings suggest that it is unlawful for the military to provide support to LE. The military may not provide direct support; however, that has been found not applicable to the topic. The Secretary of

Defense has the authority to prescribe necessary military support to LEAs. Therefore, it is lawful for the military to provide support to CN in Afghanistan.

According to the aforementioned US laws, none suggest that it is unlawful for the military to provide to support to LE. Gaps are present in that the military would be restricted from providing direct support to LE operations. A vague definition is provided as to what direct support means. However, in all cases, the Secretary of Defense has the authority to prescribe what is necessary for the military to provide to LEAs. The sections within USC Title 10 are proof that processes are in place to facilitate joint operations in which the military and LE can work together if required.

United States Policy

Is US policy violated? The findings in the research of DOD Directives (DODD) were used to answer this question. DODD 5525.5, DOD Cooperation with Civilian Law Enforcement Officials states that it is DOD policy to cooperate with civilian LE to the extent possible. The Secretary of Defense or Deputy Secretary of Defense may give approval, on a case by case basis, to request for exceptions to policy restrictions against direct assistance by military personnel to execute the laws. This is accommodating to military support to CN operations in Afghanistan and exceeds what is being asked. The military is not being asked to execute the laws. They are merely asked to provide enablers so LEAs can enforce the laws. Direct military assistance is prohibited in the forms of: interdiction of a vehicle, a search or seizure, an arrest, apprehension, or stop and frisk, and for surveillance or pursuit of individuals. The enablers being asked for by LEAs do not fall within this list of restrictions. Moreover, the Secretary of Defense may authorize

it to be overridden. Therefore, it is not against US policy for the military to provide support to CN operations in Afghanistan.

DODD 5525.5 also refers to the Posse Comitatus Act and states that the following is not restricted by it: such actions that are undertaken primarily for a military or foreign affair's purpose (Department of Defense 1989, 15). However, it does prohibit the following forms of direct assistance:

1. Interdiction of a vehicle, vessel, aircraft, or other similar activity
2. A search or seizure
3. An arrest, apprehension, stop and frisk, or similar activity
4. Use of military personnel for surveillance or pursuit of individuals, or
5. As undercover agents, informants, investigators, or interrogators.

In chapter 2, the Domestic Operational Law Handbook was reviewed as it pertains to USC Title 10 and DODD 5525.5. It addressed the provisions of the Posse Comitatus Act, and its application to extraterritorial operations. Although it was concluded that the restrictions within USC Title 10 §§ 371-381 do not apply, DODD 5525.5 policies apply to all members of the armed forces wherever located (Barnett 2009, 61).

LEAs in Afghanistan are requesting helicopter lift, close air support (CAS), cordon security, medical evacuation (MEDEVAC), military working dogs, and intelligence. These requested items are not on the list of prohibited forms of direct assistance. Further, the policy regarding ISAF drug interdiction was revised to allow US forces to act in concert with Afghan officials against narcotics facilities and facilitators supporting the insurgency. However, despite the shift in NATO policy, the mission of US

Forces Afghanistan has not changed. In coordination with ISAF, the goal still is to conduct operations to defeat terrorist networks and insurgents, develop effective governance, and build the Afghan National Security Force. “The US military’s primary mission in Afghanistan will continue to be security and building stability in troubled regions. The US military performs a supporting role in terms of counter-narcotics efforts” (Wood 2009, 51). This supporting role is the driving force of this thesis. Military support in the form of enablers will allow LEAs to do their job. The military will not and should not be required to perform LE duties. It should be a joint and inter-agency effort with the military providing transportation, security, intelligence, surveillance, and reconnaissance (ISR), and close air support, as needed.

As of August 2009, US military commanders told Congress that they are convinced that the policy (to target drug traffickers with ties to the insurgency) is legal under the military’s rules of engagement and international law. They also said it is an essential part of their new plan to disrupt the flow of drug money that is helping to finance the Taliban insurgency (Risen 2009). Targeting such traffickers requires them to be considered military targets. This is only possible when substantial evidence proves that a trafficker provides support to the insurgency. The evidence must be provided by two credible sources (Risen 2009). Once evidence of the nexus is provided, these major traffickers are put on the Joint Integrated Prioritized Target List (JIPTL). This is a step in the right direction; however, the nexus may not be able to be proven in all cases. Even without the nexus, the military needs to be able to provide LE agencies with enablers for their CN missions.

In chapter 2, literature was presented proving that strategic objectives in Afghanistan are unattainable with dysfunctional rule-of-law, and an economy dominated by drug trade. Policies are being changed to match the requirements needed to obtain those objectives. “Within the five-pillared CN strategy, the military is allowed to assist in interdiction, justice reform, public information, and building the Afghan government’s capacity to fight drug trade” (Department of Defense 2009). Stability in Afghanistan is a prerequisite to the strategic goals. Since drug trafficking is a threat to stability, the military is allowed to fight the insurgents and drug traffickers simultaneously.

International Law

Is international law or NATO policy violated? The answer to this question points more toward policy and NATO country caveats than actual law. As a coalition, this will be the hardest aspect to overcome. If 2009 is going to be “the year of counter-narcotics” for ISAF, the coalition must have unity of effort as a military force and with their governments for this to be realized. “It was not unusual to find our allies’ military commands disagreeing with their own embassies regarding the shape and direction of their countries’ policies and preferences” (Irwin 2009, 72). The coalition must be together through success and failures. Our international partners have also disagreed with the US, and did not hesitate to let it be known. For example, a senior representative from an allied embassy stated bluntly to an American Army officer, “If you Americans succeed, then we are with you. If you fail, you are on your own . . . and we think you will fail” (Irwin 2009, 72).

However, in a recent interview of Secretary of Defense Robert Gates, it seems that coalition partners are implementing a workaround to these countries’ inability to

provide support to CN. This will be done by providing police trainers. “The Carabinieri, the Guardia Civil, these various groups in Europe are very good paramilitary-type police” (Gates 2009a). This should be a sufficient solution to these caveats. There is no military-only answer to the war in Afghanistan. It is a joint, combined and interagency operation that should involve the military working alongside LEAs if required.

The new policy of putting drug traffickers with ties to the insurgency on a targeting list has caused concern among coalition partners. “The targeting list has lead to criticism over the expansion of the military’s mission, and NATO allies have raised questions about the strategy of killing individuals who are not traditional military targets” (Risen 2009). The military’s mission has not expanded. It is still to defeat the insurgency. A new way has been found to disrupt its supply chain, which will lead to its defeat and ensure security in Afghanistan. Also, there is nothing about a nexus target that is non-traditional. A nexus target is a military target. A Pentagon spokesman felt that it is important to clarify that “we are targeting terrorists with links to drug trade, rather than targeting drug traffickers with links to terrorism” (Risen 2009). However, just because there are drug traffickers with ties to the insurgency, or insurgents with ties to drug trade should not matter whether or not they will be targeted. Narcotics as an industry should be defeated.

Doctrine

If narcotics trade is funding the insurgency, is CN only a LE mission? How are CN operations conducted now? Transportation for the CN interdiction missions is provided by Mi-17 helicopters that are flown by pilots only qualified for day missions. They do not have a night vision goggle (NVG) capability. The National Interdiction Unit

(NIU)-and DEA-Foreign-deployed Advisor Support Team (FAST) has eight helicopters available to them. However, maintenance issues reduce the number of aircraft available to two or three aircraft per mission. This restricts the number of personnel that participate in CN missions, thereby reducing their overall capacity to operate in areas heavily saturated with Taliban or insurgents. This presents a need for the military to provide extra helicopter lift support. The Afghan Special Narcotics Force (ASNF) has similar limitations to their helicopter lift capacity.

There are not enough personnel to provide security during missions in the event of a troops-in-contact (TIC) situation. As a result, cordon security and medical evacuation are other areas that require military support.

At the conclusion of raids on processing labs and drug caches, samples are taken as evidence. The rest of the drugs along with the lab equipment are destroyed with explosives carried by the LE personnel. There are cases when these explosives are unable to successfully destroy all of the drugs and lab equipment because of the large amounts on site. In the event of a TIC or cache and lab destruction, close air support is another aspect to military support that would enhance CN operations. Air support could be used to defend LEA on the ground, and to destroy drug processing sites and caches.

Are LE units capable to handle the drug problem without the military? In traditional LE scenarios, drug trade problems can be dealt with solely by LEAs. However, in Afghanistan, LEAs cannot handle the complexity and size of the drug problem by themselves. “The military is needed to knock the problem down to a manageable level. We will not be able to kill our way out of this war. It is going to be rule of law that helps win this war, and drugs play one of the most important roles. It is

the root cause of criminality and corruption which benefits the insurgency. I feel that the solution here will be a 50-50 military-law enforcement solution” (Smith 2009).

Can the military and LE operate jointly? The Goldwater-Nichols DOD Reorganization Act was studied for its application to CN missions in Afghanistan. Although the act applies to military forces, the interagency aspect seems to be left out. A similar act is needed for such operations. The military may not have the ability or expertise to take the lead for every operation, nor should it in a COIN environment. Also, there may not always be a military solution to every conflict. However, military enablers will be needed for security and stability operations. Joint military and LE capabilities are needed to fill these gaps.

An organization exists in USSOUTHCOM that fuses military and LE capabilities. The Joint Interagency Task Force South (JIATF-S) targets drug trade from Latin American and the Caribbean. It is composed of armed forces, and international departments and agencies. This CN task force is a good example of part of the solution in defeating drug trade in Afghanistan.

What enablers “can” the military provide to CN? Approval authority for counter-drug (CD) support outside the US has been delegated to the Geographic Combatant Commander (GCC) (Department of Defense 2007, II-9). The following is a list of support provided to Law Enforcement Agencies (LEAs) by DOD personnel in connection with CD missions. All of these activities are subject to specific provisions of US law and DOD regulations, and some require explicit approval by designated officials:

1. Equipment maintenance
2. Transportation support

3. Establishment or operation of bases or training facilities
4. Counter-drug-related training of Law Enforcement Agency personnel
5. Detect, monitor, and communicate the movement of air, sea, and surface traffic detected outside US borders for up to 25 miles within US borders
6. Engineering support at US borders
7. Communication system and network support
8. Linguist support
9. Intelligence analyst support
10. Aerial and ground reconnaissance support
11. Diver support
12. Tunnel detection support
13. Use of military vessels for Law Enforcement Agency operating bases
14. Technology demonstrations (Department of Defense, 2007, B-2).

What enablers “should” the military provide to CN? The LE units are not capable to operate in areas that are heavily fortified with insurgents because of lack of protection. The pilots that provide helicopter support are unable to fly at night. With military enablers, interdiction missions can be conducted in places and at times they were not before, increasing the chance of arresting narco-traffickers previously able to operate with little risk. The combination of military and LE capabilities to CN missions is depicted in figure 7.

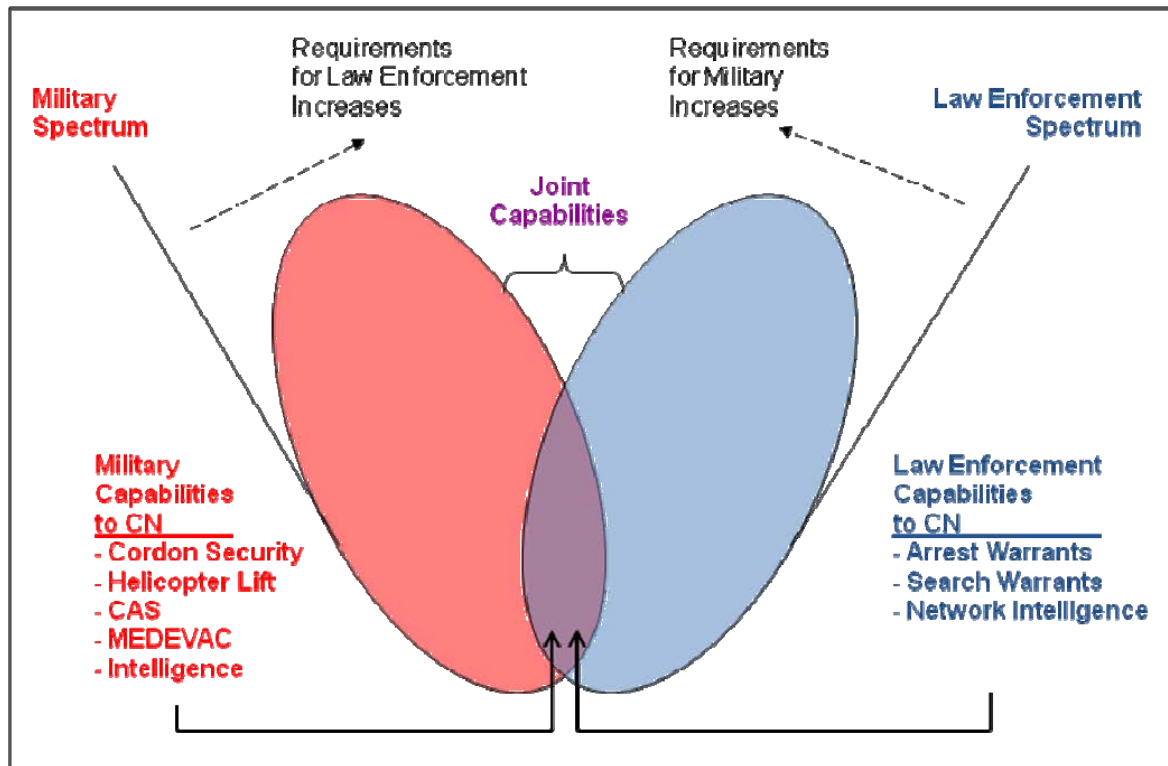


Figure 7. Military and Law Enforcement Operational Spectrum

Source: Created by Author.

Of all the enablers the military could provide, cordon security is considered the most essential. This type of security to LEAs would also be in line with stability operations which is required for the indigenous forces to be able to operate on their own and ensure a secure environment in Afghanistan. Military presence in CN operations at locations previously considered safe havens for the drug traffickers would have a positive impact. “Within the security sector, lethal action is often critical to overcoming violent opposition. Adversaries may curtail their activities to avoid being engaged by military forces that they perceive to be capable and willing to use lethal force. This allows military forces to extend the scope and tempo of non-lethal actions” (Department of the Army 2008, 2-4).

In an attempt to link military and civilian efforts, Field Manual (FM) 3-07 Stability Operations presents an integrated approach to stability operations (figure 8).



Figure 8. An Integrated Approach to Stability Operations
Source: Department of the Army, Field Manual (FM) 3-07, *Stability Operations* (Washington, DC: Government Printing Office, 2008), 2-5.

The CN effort contributes to four of the stability sectors in the model: security, justice and reconciliation, governance and participation, and economic stabilization and infrastructure. “Efforts in security focus on establishing a stable security environment and developing legitimate institutions and infrastructure to maintain that environment” (Department of the Army 2008, 2-6). The justice and reconciliation sector encompasses far more than policing, civil law and order, and the court systems of a state (Department of the Army 2008, 2-6). This sector is supported by eight key elements, one of which is: effective and scrupulous law enforcement institutions responsive to civil authority and respectful to human rights and dignity (Department of the Army 2008, 2-7). As of now, Afghan LE is unable to do this. “Governance is the states’ ability to serve the citizens

through the rules, processes and behavior by which interests are articulated, resources are managed and power is exercised in a society, including the representative participatory decision-making processes typically guaranteed under inclusive, constitutional authority” (Department of the Army 2008, 2-8). This is not possible with a narco-based economy with corrupt government officials. In regards to economic stabilization, “much of the broader success achieved in stability operations begins at the local level as intervening actors engage the populace with modest economic and governance programs” (Department of the Army 2008, 2-8). The responsibility for reducing Afghanistan’s economic and social dependence on the cultivation and processing of opium poppies rests with the Afghan government. “Widespread instability--a direct result of that insurgency--makes it almost impossible for Afghan leaders to implement a counter-narcotics strategy” (Wood 2009, 51).

Strategy

Would military support to CN contribute to the overall strategy in Afghanistan? What is the Strategy in Afghanistan? In chapter two, statements from President Obama, Defense Secretary Gates, General (GEN) David McKiernan, and Major General (MG) Michael Tucker were examined to determine what the strategy is. Each objective to the strategy appeared to be different depending on who was speaking and when. According to GEN McKiernan, the objectives were to establish security, foster a viable government, and create economic reconstruction and development. MG Tucker said coalition forces should eliminate terrorist safe havens, marginalize the Taliban, build and train an effective security force, and contain regional extremism. Secretary Gates stressed that the focus should be in the southern provinces to go after drug lords, drug kingpins, and

processing laboratories. President Obama stated that the long-term objective was to have a flourishing democracy, and the near-term objective was to disrupt, dismantle and defeat al Qaeda. Although the objectives are different, there is a common theme to them, and it is related to CN, and the need for military support. That theme is the requirement of a safe and secure environment.

Three of the previously mentioned objectives are threatened by corruption: viable governance, effective authorities and institutions, and a flourishing democracy. Drug trade breeds corruption. Five of the objectives are threatened by weak LE forces: a secure population, elimination of terrorist safe havens, marginalizing the Taliban, an effective security force, and to disrupt, dismantle and defeat al Qaeda. CN operations cannot be effective without capable police forces. The current state of LEAs requires the support of the military to bolster their capabilities so that the strategic objectives may be met.

Centers of gravity (COGs) were discussed in chapter two. Literature review identified the Afghan people and the southern provinces as enemy COGs. However, the definition of COGs, critical capabilities (CC), critical requirements (CR), and critical vulnerabilities (CV) made it difficult to label them as such. It is best to identify the insurgency or Taliban as the COG. “Failure to curb the rampant drug trade during the past three years has enabled the insurgent-narcotic nexus to expand and strengthen” (Erwin 2009, 7).

Before the insurgency can be defeated, targets must be determined. These targets may be physical structures or people, and are recognized as critical vulnerabilities (CV) of a COG. What are the CVs, and is it beneficial to the strategy for them to be targeted? Before this can be answered, the CCs and CRs must be evaluated. The insurgency has

three CCs: to undermine support of the Afghan government, to invoke terror freely with strong resistance against civilians and the coalition, and to obtain weapons and funding. Each CC has different CRs. However, drug trade is a common CR to undermine support of the Afghan government, and to obtain weapons and funding. It should be noted that the insurgency has multiple CRs to obtain weapons and funding. Drug trade is the focus of this analysis as a major contribution. The elimination of narcotics trade would reduce the effectiveness of these CCs (figure 9).

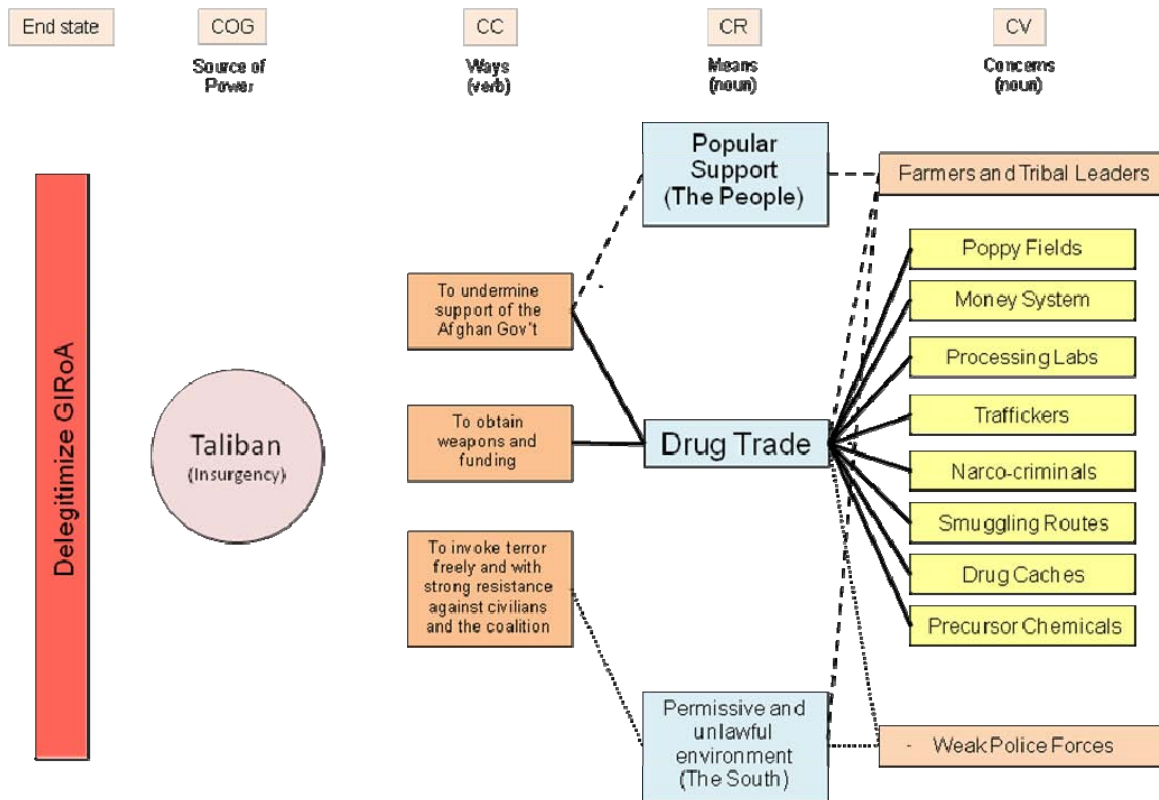


Figure 9. Taliban Operational Center of Gravity Analysis
 Source: Created by Author.

Drug trade has multiple CVs: farmers and tribal leaders, poppy fields, a money system, labs and lab workers, traffickers and narco-criminals, smuggling routes and vehicles, caches, precursor chemicals, and weak police forces. As previously discussed, the strategy aims to see a flourishing democracy by minimizing corruption and reversing the Taliban's momentum. Specifically, the strategy speaks to stomp out drug trade by targeting narco-criminals and mid-level traffickers, and narcotics labs. The critical vulnerabilities if eliminated, will contribute to the COG not achieving one of its CCs. It should also be recognized that all the CVs are tied to drug trade.

If a COG is related to narcotics, is it still only a LE effort? Should it be a joint, interagency and coalition effort? How can it be illegal or against policy for the military to be involved with targeting CVs of a hostile center of gravity? According to Secretary Gates, "We're not talking about a counter-narcotics strategy—that really is the Afghan's responsibility. What we're talking about is greater freedom to track down the networks of those who are funding the Taliban. In a chicken-or-egg debate of global proportions, stabilizing the country might require the defeat of both the insurgents and opium traffickers simultaneously (Wood 2009, 51).

Colombia

How were CN operations conducted in Colombia? Based on this comparison, a trend exists that shows problems with counter-insurgency (COIN) operations when the military is limited or restricted from CN involvement. If there were any lessons from Colombia, why were they not applied? It is interesting that the CN strategy for Afghanistan is virtually a mirror image of Plan Colombia in regard to the three pillars that were similar. However, a gap exists in the comparison between interdiction missions

in Colombia and Afghanistan as eradication and interdiction in Colombia seem to have been combined efforts. Eradication and interdiction in Afghanistan are fought separately, and rightfully so.

The enemy of the drug war in Colombia resembles the enemy of the war in Afghanistan: “an ill-defined force operating globally with a few identifiable base areas, using decidedly unmilitary means of communications and transportation, and supplied with huge amounts of money” (Wortzel 2001).

This chapter included an analysis of the material discussed in the literature review. It filled gaps and answered the open-ended questions from chapter 2. The analysis was organized by the topic areas of legal and regulatory, doctrine, and strategy. The following chapter presents conclusions and recommendations.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

This is a just war, however, in defense of the United States, of democracy and the freedom to live and worship as one pleases without interfering in the life of another. It is a war being fought against a group of people who have taken it upon themselves to wipe out anyone who does not worship God in the way they do.

— Larry M. Wortzel, Ph.D.

Two Fronts: Unconventional Forces for an Unconventional War

Conclusions

Should the military be involved in counter-narcotics (CN) missions in Afghanistan? This chapter is organized by interpreting the findings from Chapter 4, and ends with recommendations for further study.

What do the results mean? The war in Afghanistan is not an “all” military effort. The military does not have to take the lead with CN; they merely have to provide support to law enforcement agencies (LEAs) so “they” can target the drug lords and those that support drug trade. The burden can be shared with the LEAs. It is legal to provide intelligence, surveillance and reconnaissance (ISR) support, transportation (helicopter lift and medical evacuation), training, linguist support, security, and technology demonstrations without a nexus. More direct support that is requested by LEAs like close air support (CAS) requires further investigation, and involves approval from higher authority. CAS is kinetic and lethal in nature, which may exceed policy bounds. The friction brought about with military support to LE in foreign countries is not a legal problem. Military support to LE is legal. The problem exists with policy. Policies must be changed to allow for more military involvement with CN, and procedures are in place to facilitate that change.

The drugs traffickers are financing the Taliban to delegitimize the government. “The traffickers are accepting responsibility by conspiracy, making them part of the insurgency” (Smith 2009). As such, it is imperative that the narcotics “industry” be targeted, not just where there is a link to the insurgency. “The Taliban-led insurgency and the Afghan narcotics trade rely on each other; a weaker counterpart would significantly hinder the other” (Erwin 2009, 7). This point was best summarized by the Honorable Tom Lantos (Representative D-CA) in the February 2007, House of Representatives’ Committee on Foreign Affairs, and is annotated in the following paragraph.

We need an approach that involves the Afghan people in deciding their fate; one that truly encompasses the broader international community, which has nested interest in a “stable” and “secure” Afghanistan. For several years I have been calling on the US and NATO’s military leadership in Afghanistan to change their policy of ignoring narco-trafficking. Right now, they will only destroy opium stockpiles and drug laboratories if they happen to come across them during other combat operations. We have been told that “the military doesn’t do counternarcotics,” even as they admit that narcotics profits feed our battlefield enemies. After several years of record opium harvest and rampant drug corruption with no end in sight, we no longer have the luxury of indulging in this artificial and meaningless distinction. We need to reverse this trend now. I call on our own Government and on NATO to immediately create and deploy counter-narcotic interdiction combat units to go after drug kingpins, warlords and Afghan officials that process and traffic opium. Narcotics trafficking is part of the battlefield in Afghanistan, and we must treat it as such. In order to succeed, our strategy must also tackle the problem of drugs and terror simultaneously. (Lantos 2007)

There was no mention of the nexus in the previous paragraph. The narcotics trade, and everything involved with it can and should be targeted regardless if there is a connection to the insurgency. In order to ensure Afghanistan is stable and secure, these efforts should also be increased in priority. “The biggest overarching obstacle to stability in Afghanistan remains the volatile southern region. Reducing the insurgency’s rampant funding is an essential part of the equation” (Erwin 2009, 7). CN interdiction operations

are a means to target insurgents either directly, or to reduce their supply chain and the corruption it breeds.

The southern provinces and the Afghan people were investigated as centers of gravity (COGs) of the insurgency. Through further analysis, it was determined to be more accurate to label them as critical requirements (CRs) for the insurgency. In either case, they have the potential to contribute to the insurgency's cause. They can both be affected by targeting drug trade. The southern provinces contribute 90 percent of the total poppy crop in Afghanistan, and is also where the Taliban are most prevalent. CN interdiction operations will allow the military and their LE partners to minimize drug trade, while at the same time, target the Taliban. As a result, the people will be enabled to move their country in the right direction and provide popular support to the government. "The village leaders across the country recognize the moral and even religious calamity that the drug trade has befallen on their society. We must help empower them to institute a change in culture and attitude toward the poison that has plagued their land for so long" (Lantos 2007).

The war will ultimately be up to the Afghan people to fight the insurgents and rid their country of corruption. CN operations are no different. The military is merely an enabler to allow LE agencies, and the people to stop drug trade. However, the drug problem is only one of the many issues that make up the complex and difficult environment in which to fight a war. Nonetheless, the military "should" be involved.

What are the implications? If the military increases support to CN, and narcotics trade is reduced dramatically, and narco-traffickers and insurgents are killed or captured, the insurgency may still have the ability to continue its operations. There are reports that

suggest the Taliban does not get as much funding from drug trade as previously believed. Also, a successful CN campaign may have a negative impact on Afghanistan's economy if farmers are not able to profit from licit crops. Also, if the poppy crop is reduced, will the Taliban resort to using an alternative means to get funding? They currently use trafficking in persons and extortion as a means for other forms funding.

There is also worry that if the poppy market disappears, farmers will be unable to support their families. No other crop produces as much yield as poppy. However, most poppy farmers are just greedy. "In the South, where most of the poppy is grown, cultivation is organized by wealthy traffickers and big landowners who plant poppy because of high profits and the absence of law enforcement in insecure areas" (Wood 2009, 75).

If the military expands its operations in CN, it increases the chances of civilian casualties and undesired contact with the local population. "The predominantly Islamic population is not happy that non-Muslim Westerners, or infidels, are waging war against other believers of Islam. For these reasons, it would be a mistake to send in large numbers of American ground forces in an attempt to occupy and hold large areas of territory in Afghanistan, or to attempt to fight house-to-house and door-to-door in Afghanistan's cities" (Wortzel 2001).

Nonetheless, the military must be used to provide a secure and stable environment before diplomacy and political objectives can be achieved. It is important, perhaps vital, that the US actions in this war on terrorism be defined by military terms and not political terms. "This war is a military action to accomplish political aims-the safety of American

citizens in their homeland from attack by terrorists. This is a war, not a police raid, and the object is to destroy the enemy and his capacity to resist” (Wortzel 2001).

Recently, GEN David McKiernan was relieved as the ISAF commander in Kabul, and replaced by Lieutenant General Stanley McChrystal. “McChrystal’s appointment marks what Secretary Gates has outlined as a shift away from conventional military doctrine toward counterinsurgency tactics” (DeYoung and Tyson 2009). These tactics need to be defined and should include CN operations. “Since drugs are funding the insurgency, and the insurgency enables drug cultivation, the insurgency and narcotics must be fought together” (Deveau 2008).

The conflicts of today are different from those in the past. The enemy used to be identifiable, part of a conventional force, and representative of a nation. Today’s enemies are hybrid threats (Hoffman 2009, 14). They fight among civilian populations, are composed of conventional and irregular forces, are non-state actors, and rely on criminal activity for money and weapons. The terrain in which our forces fight has changed. Our forces must remain flexible, and have the ability to change with the terrain. Rule-of-law and influencing people are as important as a decisive military victory.

This study revealed one unexpected finding. It was unexpected to find existing doctrine for the military to provide support to CN. If the military traditionally “does not do law enforcement,” why would this doctrine exist?

Recommendations

According to Admiral Mullen, Chairman of the Joint Chiefs of Staff (CJSC), recent rules of engagement have allowed us to go after labs, and the people associated with them. “That is a step in the right direction but until we are able to execute a

comprehensive agricultural strategy, it is going to be very difficult to really have a strategic impact” (Mullen 2009). By this, he wants to displace the opium crop and emphasize alternative crops and avoid aggressive eradication.

The scope of this thesis is too small to provide the ultimate solution to the war in Afghanistan. There is no single method to ensure success. However, it is important to target the narcotics “industry” as one of the ways to achieving strategic objectives in Afghanistan.

This study concentrates on drug interdiction missions and the problem associated with legal and regulatory restrictions to military support. The following are topics of recommended further research related to other problems associated with drug trade: Economic, Governance and Corruption, and Security.

1. Eradication and alternative livelihoods to poppy as an additional way to combat narcotics trade. Alternatives to the Afghan economy should be investigated.

2. If a secure environment is required for a democracy to be established in Afghanistan, our priorities in the way we create that end state should be reviewed. For instance, the corruption that drug trade brings to the Afghan government should also be studied. The fact that elections are seen as a priority in the midst of widespread drug trade should be reconsidered.

3. To bolster security in Afghanistan, a comprehensive solution to training and increasing the capabilities of Afghan LE is required. It should be a joint effort of coalition military and LE units. Specifically, there should be a CN joint task force (JTF) that combines already existing LEAs and intelligence, with added military support.

APPENDIX A

INTERVIEW

Monday, 11 May 2009

Oral History Interview via telephone

Interviewer: LCDR Jonathan Biehl, Army CGSC Student

Interviewee: Mr. Selby Smith, DEA Agent

Position: Director of the Inter-Agency Operations Coordination Center (IOCC), Kabul, Afghanistan (January 2006-December 2008)

Q1: Can the negative effects of drugs trade in Afghanistan be minimized without military involvement?

Answer:

As of now, no. In traditional law enforcement scenarios, it would not be a problem. However, in Afghanistan, law enforcements units cannot handle the complexity and size of the drug problem by themselves. The military is needed to knock the problem down to a manageable level.

Afghan forces cannot do it either because they are not sophisticated enough.

The drugs traffickers are financing the Taliban to overthrow the government. The traffickers are accepting responsibility by conspiracy, making them part of the insurgency. They act in concert, as in the Pinckerton Theory.

Q2: What is it that Law Enforcement units are asking the military to provide?

Answer:

- | | |
|----------------------------------|-------------------|
| - Helicopter lift (and at night) | - Intelligence |
| - Close Air Support (CAS) | - Cordon Security |
| - Medical Evacuation (MEDEVAC) | |

Since December 2008, these things have been provided due to change in DOD policy. Also, there is no need for there to be a nexus. All that's required is a request from the Afghan law enforcement unit.

The DOD policy mentions the need for a more non-traditional approach. Military involvement in CN is a way to do this. The change in policy says US troops are authorized to conduct military operations against drug trafficking targets when those military operations support the stability missions in Afghanistan.

That said, there is still some reluctance from the military to get involved.

Q3: If the military is involved such that law enforcement units are getting what they ask for, will there be any negative consequences, i.e. 2nd and 3rd order effects?

Answer:

Just more civilian casualties due to an errant bomb. The people shouldn't be negatively affected because we're there to help the Afghans under their law.

Q4: Since December 2008, what do CN missions currently look like?

Answer

There's been an attitudinal change, so there's more willingness to have the military involved. However, this change is not universal. There is still some reluctance by some military personnel.

See the story done by Jim Maceda of NBC news.

Q5: Have NATO/ISAF forces been more involved, or is it just the US and UK?

Answer:

Both are used. US and UK provide most of the Special Forces, and ISAF has provided the CAS.

Q6: Has there been progress made since December in terms of decreased suicide or insurgent attacks?

Answer:

It's too early to tell. The only things that can be measured right now are the amounts of drugs that are seized during CN missions.

A big measure of effectiveness will be the result of the poppy cultivation this August.

Q7: Since the troops levels will soon be increasing, will there be any correlation to the decrease in narcotics trade?

Answer:

The problem now is that forces are unable to hold.

The plan is to Shape-Clear-Hold-Build.

Shape and Clear can be done, but forces clear out too quickly in order to effectively hold. There are not enough forces on the ground. Hopefully the increase in troop levels will fix this.

The South is where the bazaars, financial centers and trafficking routes are. If the increase in troop levels can facilitate the bazaars to be disrupted, that would have an impact on finances and trafficking routes.

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